

Court of Appeals of the State of Georgia

ATLANTA, October 21, 2026

The Court of Appeals hereby passes the following order:

**A27D0200. VALER CALDWELL v. ROCK ROSE STONERIDGE PROPERTY
LLC d/b/a THE PARK AT STONEHAVEN.**

Plaintiff Rock Rose Stoneridge Property LLC d/b/a The Park at Stonehaven brought this dispossessory action against Valer Caldwell in magistrate court. On September 2, 2026, the magistrate court entered a consent order awarding the plaintiff a monetary judgment and a writ of possession. That same day, Caldwell filed a pro se application for discretionary review in this Court, seeking to appeal the September 2 order. We dismissed that application for lack of jurisdiction because: (i) appeals from magistrate court judgments lie in state or superior court, not this Court; and (ii) Caldwell waived her appellate rights by consenting to the magistrate court judgment. *Caldwell v. Rock Rose Stoneridge Prop.*, Case No. A27D0115 (Sept. 21, 2026).

In the interim, the plaintiff applied for an immediate writ of possession in magistrate court, which granted the request in an order signed on September 29, 2026.¹ Caldwell filed this pro se application for discretionary review on September 30. We again lack jurisdiction.

¹ The copy of the September 29 order included in the application materials is not file-stamped, in violation of Court of Appeals Rule 31(c). On October 1, 2026, this Court ordered Caldwell to supplement her current application within ten days with a stamped “filed” copy of the order to be appealed. Caldwell has not yet complied with this directive. Regardless, the current application was timely filed the day after the magistrate court signed the September 29 order. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes*, 375 Ga. App. 513, 514–16 (915 SE2d 91) (2025).

As we explained in our dismissal order in Case No. A27D0115, the only avenue of appeal available from a magistrate court judgment is governed by OCGA § 15-10-41(b)(1), which provides for appellate review in state or superior court. See *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023). “Thus, this Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court.” *Harris v. Reserve at Hollywood*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). The Georgia Constitution provides that “[a]ny court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere.” Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII. Accord Ga. Ct. App. R. 11(b). “As such, this Court at times has transferred applications seeking review of magistrate court orders back to the magistrate court with direction to send the case to state or superior court.” *Harris*, 376 Ga. App. at 553.

Here, however — as we also explained in our dismissal order in Case No. A27D0115 — Caldwell waived her appellate rights by consenting to the magistrate court judgment. See *Hurt v. Norwest Mtg.*, 260 Ga. App. 651, 656(1)(c) (580 SE2d 580) (2003) (“[N]o litigant will be heard to complain of an order or judgment of the court which he procures or assists in procuring, unless it be made plainly to appear that the consent of the party seeking to complain was obtained by fraud or mistake.” (quotation marks omitted)). We therefore again decline to transfer this case to magistrate court with direction to send it to state or superior court. Rather, this improper application is also hereby DISMISSED. See *id.* at 657(1)(c).

We may impose sanctions upon parties who file frivolous applications to appeal. See Ga. Ct. App. R. 7(e)(2). For the reasons stated above, we find this application to

be frivolous. We caution Caldwell that any future frivolous filings in this Court may result in the imposition of sanctions.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/21/2026

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Christina Bailey Smith

, Clerk.