

Court of Appeals of the State of Georgia

ATLANTA, August 24, 2026

The Court of Appeals hereby passes the following order:

A27A0073. IN RE: ESTATE OF TERRY EUGENE LYONS, DECEASED.

Upon the death of Terry Eugene Lyons, Heather Lyons Roe filed in Henry County Probate Court a petition to probate will in solemn form. The probate court issued an order admitting the will to probate in solemn form as well as letters testamentary appointing Roe as executor of the will. Subsequently, Stefka Lyons filed in the case a petition for year's support. On June 9, 2026, the trial court issued an order granting the petition in part and denying it in part. On July 7, 2026, Roe filed this direct appeal of the June 9, 2026 order. However, we lack jurisdiction because Stefka Lyons's request for an accounting of Roe's administration of the estate and request for an award of attorney fees remain pending in the probate court.

As a threshold matter, we note that an order of the Henry County Probate Court generally may be appealed directly to the Court of Appeals. See OCGA §§ 15-9-123(a); 15-9-120(2). However, the order must be final. See OCGA §§ 5-6-34(a)(1)(B) (appeals generally may be taken from “[a]ll final judgments, that is to say, where the case is no longer pending in the court below”); 15-9-123(b) (explaining that the “general laws and rules of appellate practice and procedure . . . shall . . . govern appeals of civil cases from the probate courts”). Here, the probate court has not ruled on Stefka Lyons's request for an accounting of Roe's administration of the estate and request for an award of attorney fees. Therefore, Roe was required to use the interlocutory appeal procedures — including obtaining a certificate of immediate review from the probate court — to obtain review of the order on the petition for year's support. See OCGA § 5-6-34(b); *Bandy v. Elmo*, 280 Ga. 221, 222 (626 SE2d

505) (2006); *In re Estate of Sims*, 246 Ga. App. 451, 452–53 (540 SE2d 650) (2000). Roe’s failure to comply with the interlocutory appeal procedures deprives us of jurisdiction over this premature direct appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/24/2026

*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.