

Court of Appeals of the State of Georgia

ATLANTA, October 23, 2026

The Court of Appeals hereby passes the following order:

A27A0590. JOSEPH MITCHELL BLAKE, JR. v. MICHAEL R. GROW, JR. et al.

Joseph Mitchell Blake, Jr., filed a complaint for quiet title, declaratory judgment, cancellation of instrument, injunctive relief, and accounting against Michael Grow, Jr., and Gayle Borah. Borah filed an answer and counterclaim. After the parties filed several motions, the trial court entered an omnibus order and, in relevant part, dismissed Blake’s complaint. The trial court also recognized that Borah’s counterclaim was a permissible cross-claim against Grow and ordered Borah to perfect service on Grow. Blake then filed this direct appeal. We, however, lack jurisdiction.

Under 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.” An order is final “where it leaves no issues remaining to be resolved, constitutes the court’s final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court” *Paine v. Nations*, 301 Ga. App. 97, 99(1) (686 SE2d 876) (2009) (citation modified). Here, the trial court’s order did not resolve Borah’s cross-claim. Under these circumstances, Blake could appeal only if he complied with the interlocutory appeal procedures of OCGA § 5-6-34(b) or if the trial court expressly determined that there was no just reason for delay under OCGA § 9-11-54(b). *Johnson v. Hosp. Corp. of Am.*, 192 Ga. App. 628, 629 (385 SE2d 731) (1989). “Where neither of these code sections [is] followed, the appeal is premature and must be dismissed.” *Id.* (punctuation omitted).

Because Blake did not follow the interlocutory appeal procedures, and the trial court did not enter judgment in accordance with OCGA § 9-11-54(b), we are without jurisdiction to consider this appeal. See *Rhymes v. E. Atlanta Church of God, Inc.*, 284 Ga. 145, 148 (663 SE2d 670) (2008). Consequently, this appeal is hereby DISMISSED.



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Clerk's Office, Atlanta, 10/23/2026

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.