

Court of Appeals of the State of Georgia

ATLANTA, August 10, 2026

The Court of Appeals hereby passes the following order:

A27A0003. S. T. C., INC. v. RALPH AND RITA VENTURE, LLC.

This dispossessory action originated in magistrate court. After the court entered a writ of possession, S. T. C., Inc. filed a petition for review to the superior court. The superior court dismissed S. T. C.’s petition as untimely, and S. T. C. sought discretionary review, which this Court granted. See Case No. A25D0094 (Nov. 5, 2024). In *S. T. C., Inc. v. Ralph + Rita Venture, LLC*, 376 Ga. App. 130 (918 SE2d 154) (2025), this Court held that the appeal to superior court was timely, vacated the judgment, and remanded to superior court for de novo review. On review, the superior court entered judgment and a renewed writ of possession in favor of Ralph and Rita Venture, LLC (“RRV”). This direct appeal followed. RRV has filed a motion to dismiss the appeal, arguing that this Court lacks jurisdiction as S. T. C. was required to file a discretionary application pursuant to OCGA § 5-6-35(a)(11). S. T. C. has filed a response, arguing that a discretionary application was unnecessary. We, however, agree with RRV that we lack jurisdiction.

Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings must be initiated by filing an application for discretionary review. OCGA § 5-6-35(a)(11); *Strachan v. Meritor Mtg. Corp. E.*, 216 Ga. App. 82, 82 (453 SE2d 119) (1995). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dept. of Human Resources*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). S. T. C.’s failure to follow the proper procedure deprives us of jurisdiction over this direct appeal.

For these reasons, RRV’s motion to dismiss is GRANTED, and this appeal is hereby DISMISSED.



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Clerk’s Office, Atlanta, 08/10/2026

*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.