

Court of Appeals of the State of Georgia

ATLANTA, August 21, 2026

The Court of Appeals hereby passes the following order:

A27D0024. BROOKHAVEN MOUNTAIN RETREAT, LLC et al. v. CITIBANK, N.A., NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS DELAWARE TRUSTEE.

This dispossessory action originated in magistrate court. Following an adverse ruling, the applicants filed a petition for review to the superior court. On June 26, 2026, the superior court dismissed the applicants' petition for review for failure to pay rent into the court registry and issued a writ of possession. The applicants then filed this application for discretionary review on July 28, 2026. We lack jurisdiction.

Appeals in dispossessory actions, including applications for discretionary review, must be filed within seven days of the date the judgment was entered. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 516–17 (915 SE2d 91) (2025). The deadlines for filing applications for discretionary review are jurisdictional, and this Court cannot accept an application not made in compliance with the applicable deadline. See *Harris v. Res. at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025).

Because the applicants filed this application 32 days after entry of the superior court's order, it is untimely. Accordingly, we lack jurisdiction over this untimely application, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/21/2026

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.