

Court of Appeals of the State of Georgia

ATLANTA, August 26, 2026

The Court of Appeals hereby passes the following order:

**A27D0016. SHENADA HENDERSON v. ORCHARD WALK LP DBA
ORCHARD WALK.**

In this dispossessory action, on July 14, 2026, the magistrate court awarded Orchard Walk LP dba Orchard Walk (“the Landlord”) past-due rent and a writ of possession for premises leased to Shenada Henderson. On July 27, 2026, Henderson filed this application for discretionary review of the magistrate court’s order. We lack jurisdiction.

“The only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for a de novo appeal to the state or superior court.” See *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023) (citation modified). Where an application for discretionary appeal represents an attempt to appeal a magistrate order, this Court will occasionally transfer that application to the magistrate court with direction to send the appeal to state or superior court. See Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII (“[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”); OCGA § 5-3-4(a) (granting superior and state courts appellate jurisdiction over final judgments of lower judicatories). Like this Court, however, the state and superior courts have appellate jurisdiction only where an appeal is filed within the time prescribed by statute. See OCGA § 5-3-7(b). See also *Radio Sandy Springs v. Allen Road Joint Venture*, 311 Ga. App. 334, 336 (715 SE2d 752) (2011) (“The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon the appellate court.”) (quotation marks omitted). While

an appeal from magistrate court generally may be filed within thirty days of entry of the order sought to be appealed, see OCGA § 5-3-7(b), appeals in dispossessory actions 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 (915 SE2d91) (2025); *Radio Sandy Springs*, 311 Ga. App. at 335–36. Here, Henderson’s application was filed 13 days following entry of the magistrate court’s order. Given that fact, Henderson has lost her right of appeal. Accordingly, we decline to transfer this case back to the magistrate court with direction to send the appeal to state or superior court, and this application is hereby DISMISSED.



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Clerk's Office, Atlanta, 08/26/2026

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.