

# Court of Appeals of the State of Georgia

ATLANTA, September 22, 2026

*The Court of Appeals hereby passes the following order:*

**A27D0111. HAMPTON OAKS COMMUNITY ASSOCIATION, INC. v.  
MARK BAKER et al.**

Hampton Oaks Community Association, Inc. (“Hampton Oaks”) initiated this litigation in superior court to recover unpaid assessments and attorney’s fees, and to judicially foreclose on property owned by the defendants. When the defendants failed to timely respond to the complaint, the trial court awarded Hampton Oaks a default judgment without holding an evidentiary hearing as to damages. Hampton Oaks moved to vacate that judgment due to the failure to hold a damages hearing, which the trial court denied on May 19, 2026. Hampton Oaks moved for reconsideration, which the trial court denied on August 17, 2026. Hampton Oaks then filed its application for discretionary appeal. We lack jurisdiction.

An application for discretionary appeal must be filed within 30 days of entry of the order sought to be appealed. OCGA § 5-6-35(d). The proper and timely filing of an application for discretionary appeal is an absolute requirement to confer jurisdiction upon this Court. *Gable v. State*, 290 Ga. 81, 82(2)(a) (720 SE2d 170) (2011). Moreover, “[i]t is well settled that motions for reconsideration do not toll the time period for filing a notice of appeal.” *Harned v. Piedmont Healthcare Found.*, 356 Ga. App. 870, 872 (849 SE2d 726) (2020). See also *Bell v. Cohran*, 244 Ga. App. 510, 511 (536 SE2d 187) (2000) (an order denying a motion for reconsideration is not appealable in its own right). In this case, Hampton Oaks’ September 1, 2026 application for discretionary appeal was filed 105 days after the May 19, 2026 trial

court order denying its motion to vacate, and is therefore untimely.<sup>1</sup>

Accordingly, this application for discretionary appeal is hereby DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, 09/22/2026*

*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.*

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<sup>1</sup> Hampton Oaks has not included the May 19, 2026 order, its motion to vacate, or its motion for reconsideration in violation of Court of Appeals Rule 31(e) and (f). Based on Hampton Oakss' assertions in its application, it is questionable whether the May 19, 2026 order was appealable because the original motion to vacate may not have relied on OCGA § 9-11-60(d). See *Bell*, 244 Ga. App. at 511 (holding that a motion to set aside that does not rely on OCGA § 9-11-60(d) is a discretionary motion and "the denial of such a motion is not an appealable judgment" (quotation marks omitted)). We need not address this issue, however, as this discretionary application is untimely.