

Court of Appeals of the State of Georgia

ATLANTA, October 15, 2026

The Court of Appeals hereby passes the following order:

**A27D0207. ABRAHAM FYNN v. MAINSTAY PEACHTREE CORNERS LLC
DBA WINDSOR PEACHTREE CORNERS.**

Mainstay Peachtree Corners dba Windsor Peachtree Corners (“Mainstay”) brought this dispossessory action against Abraham Fynn. On September 30, 2026, the magistrate court entered a default judgment against Fynn, awarding Mainstay a writ of possession. On October 2, 2026, Fynn filed this application for discretionary review seeking to appeal the dispossessory order. We lack jurisdiction.

Ordinarily, the only avenue of appeal available from a magistrate court judgment is governed by OCGA § 15-10-41(b)(1), which provides for appellate review in state or superior court. See *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023). “Thus, this Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court.” *Harris v. Reserve at Hollywood*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). The Georgia Constitution provides that “[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.” Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII. Accord Ga. Ct. App. R. 11(b). “As such, this Court at times has transferred applications seeking review of magistrate court orders back to the magistrate court with direction to send the case to state or superior court.” *Harris*, 376 Ga. App. at 553.

Under OCGA § 15-10-41(b)(2), however, “[n]o appeal shall lie from a default judgment” entered in magistrate court. See *Mooney v. Zheng*, 375 Ga. App. 566, 566

(916 SE2d 771) (2025). We therefore decline to transfer this case to magistrate court with direction to send it to state or superior court. Rather, this improper application is hereby DISMISSED. See id.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/15/2026

*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.