

Court of Appeals of the State of Georgia

ATLANTA, May 26, 2016

The Court of Appeals hereby passes the following order:

A16D0289. MURIEL MONTIA v. JP MORGAN CHASE BANK, N. A., et al.

Muriel Montia filed suit against JP Morgan Chase Bank, N. A. (“Chase”), alleging a quiet title claim and seeking the appointment of a special master. Chase filed a motion to dismiss for failure to state a claim, which the trial court granted on February 25, 2016. On March 24, 2016, Montia filed an application for discretionary appeal from the trial court’s order.

Under OCGA § 5-6-34 (a) (1), a party may file a direct appeal from “[a]ll final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35.” The dismissal order in this case is a final order, and no provision of OCGA § 5-6-35, the discretionary appeal statute, appears to apply. See *Turner v. Taylor*, 179 Ga. App. 574, 575 (1) (b) (346 SE2d 920) (1986).

This Court will grant an otherwise timely discretionary application if the lower court’s order is subject to direct appeal.¹ See OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED. Montia shall have ten days from the date of this order to file a notice of appeal with the superior court. The superior court is instructed to include a copy of this order in the record transmitted to this court.

¹ Montia filed her application in this Court, and we transferred the case to the Supreme Court. The Supreme Court determined that the case did not invoke its title to land jurisdiction and returned the case to this Court.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/26/2016

*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.*

Stephen E. Castles....., Clerk.