

Court of Appeals of the State of Georgia

ATLANTA, October 06, 2026

The Court of Appeals hereby passes the following order:

A27A0537. IN RE: ESTATE OF JAMES LEE COOPER, SR.

On June 5, 2026, the Whitfield County Probate Court directed Bridget Lynn Suttles, as executor of the Estate of James Lee Cooper, Sr., to file an accounting. On July 29, 2026, the probate court, having previously issued an order requiring Johnny Brett Gregory to obtain permission from the court before submitting filings in the case, issued an order denying a proposed filing by Gregory. On August 10, 2026, Gregory filed a pro se notice of appeal, in which he states that he is appealing “the latest final and dispositive order entered in this estate, believed to be dated July 29, 2026.” We lack jurisdiction.

As a threshold matter, we note that certain orders of the Whitfield County Probate Court may be appealed directly to the Court of Appeals,¹ but appeals from probate court orders must comply with general rules regarding timeliness of appeals and what orders are directly appealable. See OCGA § 15-9-123(a) (the provisions of Chapter 6 of Title 5 apply to probate appeals); *In re Bruni*, 369 Ga. App. 488, 490(3) (893 SE2d 862) (2023).

¹ Under OCGA § 15-9-123(a), a party in a civil case in “probate court” shall have the right of appeal to an appellate court without first seeking review in superior court when the probate court is in “a county having a population of more than 90,000 persons according to the United States decennial census of 2010 or any future such census[.]” OCGA § 15-9-120(2). See *Ellis v. Johnson*, 291 Ga. 127, 128, n.1 (1) (728 SE2d 200) (2012). As of the 2020 census, Whitfield County had a population of 102,864.

Here, the probate court's June 5, 2026 order requiring Suttles to file an accounting was directly appealable. See OCGA § 5-6-34(a)(3) (allowing for direct appeals from "[a]ll judgments or orders directing that an accounting be had"). However, a notice of appeal must be filed within 30 days of entry of the order to be appealed, and the proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon this Court. OCGA § 5-6-38(a); *Perry v. Paul Hastings, LLP*, 362 Ga. App. 140, 141 (866 SE2d 855) (2021). Because Gregory did not file his notice of appeal within 30 days of the June 5, 2026 order, his appeal is untimely and improper to the extent that it is from this order.

Gregory's appeal is also improper to the extent that it is from the July 29, 2026 order denying his proposed filing, because a review of the record shows that the proceedings regarding Suttles's accounting remain ongoing in the probate court. Generally, a right of direct appeal lies from only a final judgment, that is, "where the case is no longer pending in the court below." OCGA § 5-6-34(a)(1)(B). See also *Yanes v. Escobar*, 362 Ga. App. 896, 897 (870 SE2d 506) (2022) ("[A]n order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court's final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court." (quotation marks omitted)). "Where there is no final order, a party must comply with the rules for interlocutory appeal, which require obtaining a certificate of review from the trial court and permission from this [C]ourt to bring the appeal. OCGA § 5-6-34(b)." *Smith v. Millsap*, 369 Ga. App. 430, 436(2)(a) (893 SE2d 833) (2023). Because the case remains pending in the probate court, Gregory was required to comply with the interlocutory appeal procedure in order to appeal the July 29, 2026 order. See *In re Estate of Reece*, 360 Ga. App. 364, 365-66 (861 SE2d 169) (2021).

For the foregoing reasons, we lack jurisdiction over this appeal, which is hereby
DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/06/2026

*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.