

Court of Appeals of the State of Georgia

ATLANTA, October 08, 2026

The Court of Appeals hereby passes the following order:

A27D0173. ASHLEY PANNELL v. VISION REALTY & MANAGEMENT.

In this dispossessory proceeding, the Fulton County State Court issued a final judgment granting a writ of possession to plaintiff Vision Realty & Management and requiring defendant Ashley Pannell to pay certain sums into the court registry in the event of an appeal. Pannell thereafter filed one or more post-judgment motions, including a motion to stay execution of the writ of possession, each of which the state court denied on September 16, 2026. Pannell then filed this timely pro se application for discretionary review on September 22, 2026. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes*, 375 Ga. App. 513, 515–16 (915 SE2d 91) (2025) (while applications for discretionary review generally may be filed within thirty days of entry of the order sought to be appealed, an application in a dispossessory proceeding must be filed within seven days of the order on appeal). The application materials, however, contain no indication that this case is subject to the discretionary appeal procedures under OCGA § 5-6-35(a) and (b).¹

Under OCGA § 5-6-35(j), this Court will grant a timely application for discretionary review if the lower court's order is subject to direct appeal. See *City of Rincon v. Couch*, 272 Ga. App. 411, 412 (612 SE2d 596) (2005). Accordingly, this

¹ While an appeal from a state court order disposing of a de novo appeal from a magistrate court decision must be initiated by filing an application for discretionary review, see OCGA § 5-6-35(a)(11), (b); *Strachan v. Meritor Mtg. Corp. E.*, 216 Ga. App. 82, 82 (453 SE2d 119) (1995), the application materials contain no indication that this case originated in magistrate court.

application is hereby GRANTED. Pannell shall have ten days from the date of this order to file a notice of appeal in the state court. See OCGA § 5-6-35(g). If Pannell already has filed a notice of appeal in the state court, then she need not file a second notice. The state court clerk is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/08/2026

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.