

Court of Appeals of the State of Georgia

ATLANTA, October 09, 2026

The Court of Appeals hereby passes the following order:

**A27D0177. SHIANA CARRINGTON v. HAMPTON POINT OWNER GA LLC
DBA HAMPTON POINTE.**

On September 8, 2026, in this dispossessory action, the magistrate court issued a consent order requiring Shiana Carrington to pay past due rents and issuing a writ of possession. Over two weeks later, on September 23, 2026, Carrington filed an application for discretionary appeal in this Court. We lack jurisdiction.

“[T]he only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for a de novo appeal to the state or superior court.” *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023) (citation modified). Where an application for discretionary appeal represents an attempt to appeal a magistrate court order, this Court will occasionally transfer that application to the magistrate court with direction to send the case to state or superior court. See *Harris v. Reserve at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). See also Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII (“Any court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere.”); OCGA § 5-3-4(a) (granting superior and state courts appellate jurisdiction over final judgments of lower judicatories). Like this Court, however, the state and superior courts have appellate jurisdiction only where an appeal is filed within the time prescribed by statute. See OCGA § 5-3-7(b). See also generally *Radio Sandy Springs v. Allen Road Joint Venture*, 311 Ga. App. 334, 336 (715 SE2d 752) (2011) (“The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon the appellate court.” (quotation marks

omitted)). While an appeal from magistrate court generally may be filed within thirty days of entry of the order sought to be appealed, see OCGA § 5-3-7(b), appeals in dispossessory actions must be filed within seven days of the date the judgment was entered. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 516 (915 SE2d 91) (2025); *Radio Sandy Springs*, 311 Ga. App. at 335–36. Here, Carrington’s application was filed 15 days following entry of the consent order. Given that fact, Carrington has lost her right of appeal.

Moreover, even if the application were timely, Carrington waived her appellate rights by consenting to the magistrate court judgment. See *Hurt v. Norwest Mtg., Inc.*, 260 Ga. App. 651, 656(1)(c) (580 SE2d 580) (2003) (“[N]o litigant will be heard to complain of an order or judgment of the court which he procures or assists in procuring, unless it be made plainly to appear that the consent of the party seeking to complain was obtained by fraud or mistake.” (quotation marks omitted)). We therefore decline to transfer this case to magistrate court with direction to send it to state or superior court. Rather, this application is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/09/2026

*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.