

**FOURTH DIVISION
MCFADDEN, P. J.,
WATKINS and PADGETT, JJ.**

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October 20, 2026

In the Court of Appeals of Georgia

A26A1191. DIXON v. FRADY.

MCFADDEN, Presiding Judge.

This appeal challenges an order awarding attorney fees under OCGA § 9-15-14 (b). Contrary to the appellant’s claim, the motion for attorney fees was timely filed within 45 days of the amended final order. But because the attorney fees order did not include sufficient particularized findings upon which the award was based, we vacate the award and remand the case with direction that the trial court make the required findings.

1. Facts and procedural posture

In April 2024, Marcus Frady filed a petition against Hannah Dixon to modify their parenting plan for their minor child. In October 2024, the parties participated in

court-referred mediation and entered into a mediation agreement to modify the plan. But the mediation agreement was never reduced to an amended parenting plan by the parties. Dixon then filed a motion to enforce the mediation agreement and Frady filed a motion to set aside the mediation agreement.

On May 28, 2025, the trial court entered a final order in which it granted Dixon's motion to enforce the mediation agreement, denied Frady's motion to set aside the mediation agreement, and issued an amended parenting plan. Frady later filed a motion to change "Saturday" to "Sunday" in the amended parenting plan provision which ordered that his twice-monthly weekend visitations would end at 3:00 p.m. on Saturday, characterizing the use of "Saturday" as a clerical error. On June 24, 2025, the court entered a corrected final order and amended parenting plan, nunc pro tunc to May 28, 2025, changing the amended parenting plan to provide that the respective weekend visitations would end at 3:00 p.m. on Sunday.

On July 28, 2025, Frady filed a motion requesting over \$19,000 in attorney fees under OCGA § 9-15-14. Dixon moved to strike Frady's motion, asserting that it was untimely since it had not been filed within 45 days of the May 28 final order. Following a hearing, the trial court entered an order denying Dixon's motion to strike,

finding that Frady’s motion for attorney fees had been timely filed within 45 days of the June 24 corrected final order. In that same order, the court awarded Frady \$3,395 in attorney fees under OCGA § 9-15-14 (b), finding that Dixon had filed “approximately 78 frivolous and procedurally improper pleadings” which Frady had been “required to review and respond to[.]”

Dixon filed an application for discretionary appeal of the attorney fees order, which this court granted. This appeal followed.

2. Timeliness under OCGA § 9-15-14 (e)

Dixon argues that the trial court erred in finding that Frady’s July 28 motion for attorney fees was timely filed within 45 days of the June 24 order since that order was entered nunc pro tunc to May 28. See OCGA § 9-15-14 (e) (motion for attorney fees under OCGA § 9-15-14 must be made “not later than 45 days after the final disposition of the action”); *Jackson v. Jackson*, 282 Ga. 459, 461 (4) n. 5 (651 SE2d 92) (2007) (request for attorney fees under OCGA § 9-15-14 must be made by motion no later than 45 days after final disposition). We disagree.

While a nunc pro tunc order may record that which occurred at the earlier date, it is not a device to be used to alter a judgment previously made[.] . . . The general rule is that nunc pro tunc entries are proper to correct clerical errors but not judicial errors. A clerical error

involves an error or mistake made by a clerk or other judicial or ministerial officer in writing or keeping records; it does not include an error made by the court itself. To be clerical in nature it must be one which is not the result of judicial reasoning or determination.

In the Interest of I. L. M., 304 Ga. 114, 116 (816 SE2d 620) (2018) (citation modified).

Here, the trial court's June 24 order "went beyond correcting [a] mere clerical error[] or recording that which was previously unrecorded." *K/C Ice, LLC v. Connell*, 352 Ga. App. 376, 379 (2) (835 SE2d 11) (2019) (citation modified). Rather, it altered the substance of the court's May 28 judgment regarding Frady's weekend visitation by extending the length of such visitation by a full day, from Saturday to Sunday. See *Clark v. Ingram*, 150 Ga. App. 127, 129 (3) (257 SE2d 33) (1979) (changing date when child support payments would commence altered substance of final judgment). Indeed, the trial court made no finding that the June 24 order merely corrected a clerical error and it does "not appear from the face of the record that the [altered visitation] provision[was] originally omitted by clerical error[.]" *Id.* Under these circumstances, we must conclude that the trial court's alteration to Frady's visitation rights constituted a substantive change that was "the result of judicial reasoning and determination." *In the Interest of I. L. M.*, *supra*.

“Because of the [substantive] nature of the correction[] and change[] to the original order, . . . we find that this was an improper use of a nunc pro tunc entry and that the effective date of the [final] order was the [June 24, 2025] date of the revised order[.]” *In the Interest of H. L. W.*, 244 Ga. App. 498, 500 (535 SE2d 834) (2000). Accord *K/C Ice*, supra (trial court’s use of nunc pro tunc entry was improper to correct a judicial, rather than clerical, error). And since Frady’s July 28 motion for attorney fees was filed within 45 days of that June 24 final order, it was timely under OCGA § 9-15-14 (e).

3. Lack of particularized findings for attorney fees under OCGA § 9-15-14

Dixon asserts that the trial court erred in awarding attorney fees without making particularized findings identifying the specific conduct deemed sanctionable. We agree.

Under OCGA § 9-15-14 (b),

[t]he court may assess reasonable and necessary attorney’s fees and expenses of litigation in any civil action in any court of record if, upon the motion of any party or the court itself, it finds that an attorney or party brought or defended an action, or any part thereof, that lacked substantial justification or that the action, or any part thereof, was

interposed for delay or harassment, or if it finds that an attorney or party unnecessarily expanded the proceeding by . . . improper conduct[.]

An award under this section must be supported by “sufficient proof of the actual costs and the reasonableness of those costs.” *Cohen v. Rogers*, 341 Ga. App. 146, 152 (2) (b) (798 SE2d 701) (2017) (citation modified).

To permit meaningful appellate review of an award of fees and expenses, the trial court’s order cannot be too vague and conclusory, such as where it fails to cite examples of conduct that authorize the award. The trial court need not cite specific testimony, argument of counsel, or any other specific factual reference in its order awarding fees under OCGA § 9-15-14; it is only required to specify the conduct upon which the award is made.

Id. (citation modified). Thus, when awarding attorney fees under OCGA § 9-15-14(b), the trial court “must limit the fees award to those fees incurred because of the sanctionable conduct.” *Brewer v. Paulk*, 296 Ga. App. 26, 31 (2) (673 SE2d 545) (2009) (citation modified). As we have explained,

lump sum or unapportioned attorney fees awards are not permitted in Georgia, and we will vacate and remand for further factfinding where the trial court’s order, on its face, fails to show the complex decision making process necessarily involved in reaching a particular dollar figure and

fails to articulate why the court awarded one amount of fees rather than another under OCGA § 9-15-14 (b).

Moore v. Hullander, 345 Ga. App. 568, 573 (2) (c) (814 SE2d 423) (2018) (citation modified).

Here, the trial court's order fails to show how the court arrived at the particular dollar amount it awarded. Frady's counsel submitted an affidavit stating that the total attorney fees and costs incurred at that point were \$19,577.75 But it is not clear how the court then reached the \$3,395 figure that it awarded. The court's order makes reference to "frivolous and procedurally improper pleadings" filed by Dixon, but the court did not identify any such pleadings or explain how it determined the amount of time Frady's counsel spent reviewing and responding to any such pleadings.

The trial court thus erred in granting a lump sum award of attorney fees without specifying the sanctionable conduct and linking the amount of the award to such conduct. See *Trotman v. Velociteach Project Mgmt.*, 311 Ga. App. 208, 214 (6) (715 SE2d 449) (2011) (where counsel submitted an affidavit and billing statements for over \$95,000, the "trial court's award of \$30,000 may have been reasonable, but the trial court's order, on its face fail[ed] to show the complex decision making process

necessarily involved in reaching a particular dollar figure and fail[ed] to articulate why the amount awarded was \$30,000 as opposed to any other amount”) (citation modified). Accordingly, we vacate the trial court’s order and remand the case with direction that the trial court make the requisite findings as supported by sufficient proof.

4. Other enumerations of error

Given our rulings above, we need not reach Dixon’s other enumerations of error.

Judgment vacated and case remanded with direction. Watkins and Padgett, JJ., concur.