

Court of Appeals of the State of Georgia

ATLANTA, September 08, 2026

The Court of Appeals hereby passes the following order:

A27D0069. MARK A. EBHOHIMEN et al. v. REALISTRY ACQUISITIONS, LLC.

This case began as a dispossessory proceeding in magistrate court, which issued writs of possession as to two properties in favor of plaintiff Realistry Acquisitions, LLC, and required defendant Mark Ebhohimen to pay monthly amounts into the court registry for each property as a condition of appeal. Ebhohimen, individually and as trustee of the Ebhohimen Living Trust, filed a pro se petition for review in superior court. Realistry moved in the superior court for an immediate writ of possession due to Ebhohimen's failure to pay the amounts due into the court registry and subsequently asserted a counterclaim for past-due rent, interest, and OCGA § 13-6-11 attorney fees. On August 7, 2026, the superior court granted Realistry's motion for immediate possession and issued writs of possession as to both properties. It appears that Ebhohimen deposited the amounts due into the court registry on August 13, 2026. Later that day, the superior court stayed its August 7 writs of possession and scheduled a hearing for August 21, 2026. One day later, August 14, Ebhohimen, still proceeding pro se, filed this application for review of the August 7 orders pursuant to OCGA § 5-6-35(a)(1), the discretionary appeal statute. We lack jurisdiction.

Given the superior court's August 13 order staying the writs of possession and scheduling further proceedings — as well as Realistry's pending counterclaim — the court's August 7 orders are non-final orders that did not resolve all issues in this case. See *Rivera v. Housing Auth. of Fulton County*, 163 Ga. App. 648, 648 (295 SE2d 336) (1982). Consequently, Ebhohimen was required to follow the OCGA § 5-6-34(b)

interlocutory review procedures to appeal the August 7 orders. See *Bailey v. Bailey*, 266 Ga. 832, 832–33 (471 SE2d 213) (1996); *Scruggs v. Ga. Dep’t of Human Res.*, 261 Ga. 587, 588–89(1) (408 SE2d 103) (1991). Where, as here, both discretionary and interlocutory review procedures apply, an applicant must follow the interlocutory appeal procedures and obtain a timely certificate of immediate review from the trial court before filing an application. See *Scruggs*, 261 Ga. at 588–89(1). Ebhohimen’s failure to comply with the interlocutory appeal requirements deprives us of jurisdiction over this application for discretionary review, which is hereby DISMISSED. See *Bailey*, 266 Ga. at 833.



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Clerk's Office, Atlanta, 09/08/2026

*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.