

Court of Appeals of the State of Georgia

ATLANTA, May 04, 2026

The Court of Appeals hereby passes the following order:

**A26A1696. IN RE: ESTATE OF MARY CATHERINE BONNER,
DECEASED.**

In the White County Probate Court, Carlos Hernandez filed a claim against the Estate of Mary Catherine Bonner. The probate court ultimately dismissed the claim and denied Hernandez’s petition for relief from administrator misconduct and other bad acts. Hernandez then filed this direct appeal.

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. *Ellis v. Johnson*, 291 Ga. 127, 128(1) n.1 (728 SE2d 200) (2012). A “probate court” is defined as “a probate court of 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). As of the 2020 census, White County had a population of 28,003. Because the White County Probate Court does not meet the population requirement, OCGA § 15-9-123(a) is not applicable to appeals from the rulings and judgments of that court. Instead, appellate jurisdiction over decisions of probate courts in counties with a population of 90,000 or less (other than convictions under OCGA Title 40, Chapter 13, Article 2) lies in superior court. See OCGA §§ 5-3-3(6), (12); 5-3-4(a); 5-3-5(d); 15-6-8(3)-(4).

The Georgia Constitution provides that “[a]ny court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere.” Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII; *Bosma v. Gunter*, 258 Ga. 664, 665 (373 SE2d 368) (1988). To the extent this filing may be construed as

a petition for review, it is hereby REMANDED to the probate court with direction to transmit it to the White County Superior Court for disposition as appropriate.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/04/2026

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.