



Johnny C. Cooksey v. Celestine Jones, as for the Estate of Emma T. Horne

2024 | Cited 0 times | Court of Appeals of Georgia | November 12, 2024

Court of Appeals of the State of Georgia

ATLANTA, _____ November 12, 2024

The Court of Appeals hereby passes the following order:

A25A0604. JOHNNY C. COOKSEY v. CELESTINE JONES, AS EXECUTOR FOR THE ESTATE OF EMMA T. HORNE, DECEASED.

Johnny C. Cooksey filed a complaint to foreclose on a lien, and the trial court dismissed the complaint on November 11, 2021. In June 2022, Cooksey moved to set aside the dismissal order under OCGA § 9-11-60 (d). The trial court denied the motion, and Cooksey filed this appeal. We, however, lack jurisdiction. To appeal from an order denying a motion to set aside under OCGA § 9-11-60 (d), Cooksey was required to file an application for discretionary appeal. See OCGA § 5-6-35 (a) (8), (b); *Jim Ellis Atlanta v. Adamson*, 283 Ga. App. 116 , 116-117 (640 SE2d 688) (2006). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dept. of Human Resources*, 221 Ga. App. 257 , 257 (471 SE2d 60) (1996). Accordingly, Cooksey’s failure to file a discretionary application deprives us of jurisdiction over this appeal, which is hereby DISMISSED.

Court of Appeals of the State of Georgia Clerk’s Office, Atlanta, _____ 11/12/2024 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.

, Clerk.

