

Court of Appeals of the State of Georgia

ATLANTA, February 14, 2024

The Court of Appeals hereby passes the following order:

A24A0890. ANDREW W. BELL v. FULTON COUNTY et al.

Andrew W. Bell filed a complaint against numerous defendants related to property he purchased at a tax sale. On November 8, 2023, the superior court dismissed the case with prejudice.¹ Bell filed a motion for reconsideration, which the court denied on December 13, 2023. Bell filed this appeal on December 19, 2023. We lack jurisdiction.

A notice of appeal must be filed within 30 days of entry of an appealable order or judgment. OCGA § 5-6-38 (a). “The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon an appellate court.” *Perlman v. Perlman*, 318 Ga. App. 731, 739 (4) (734 SE2d 560) (2012) (citation and punctuation omitted). Here, Bell filed his notice of appeal 41 days after entry of the superior court’s final order. Although he filed a motion for reconsideration, motions for reconsideration do not extend the time for filing an appeal from the underlying decision, and an order resolving the motion for reconsideration is not itself a directly appealable judgment. See *Ferguson v. Freeman*, 282 Ga. 180, 181 (1) (646 SE2d 65) (2007); *Bell v. Cohran*, 244 Ga. App. 510, 510 (536 SE2d 187) (2000). Thus, we lack

¹ The court determined that the case was barred by res judicata based on Bell’s filing of a previous lawsuit, arising from the same underlying facts, which had been dismissed with prejudice, and the dismissal affirmed on appeal. See *Bell v. Lopez*, 368 Ga. App. 101 (888 SE2d 284) (2023).

jurisdiction to entertain this appeal, which is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 02/14/2024

*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.*

Stephen E. Castles

, Clerk.