

**Court of Appeals
of the State of Georgia**

ATLANTA, OCTOBER 29 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0090
NATIONWIDE INSURANCE COMPANY V. DEBRA ANN POWELL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98010

95VS0101505

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 29 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 01 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0091

W. J. PLEMONS INSURANCE AGENCY, INC. A/K/A W. J. PLEMONS INSURANCE,
INC. V. CARRIAGE INDUSTRIES, INC.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92011

95CV1132

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 1 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0092

W.J. PLEMONS INSURANCE AGENCY, INC. A/K/A W.J. PLEMONS INSURANCE,
INC. V. CARRIAGE INDUSTRIES, INC.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92012

95CV1132

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 4 1996

*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.

William R. Martie

Court of Appeals of the State of Georgia

ATLANTA, October 23, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0093. THE STATE V. CHRIS PARKER.

The State filed an interlocutory appeal seeking review of the trial court's grant of defendant, Chris Parker's motion in limine. The trial court granted a certificate of immediate review on September 27, 1996. However, the state did not file its application until October 11, 1996. A document is deemed filed when it is physically delivered to the clerk's office with sufficient costs. Rule 4 of the Rules of the Court of Appeals of Georgia. Because the State failed to file its application within 10 days of the grant of the certificate of immediate review, this application is dismissed for lack of jurisdiction. OCGA § 5-6-34 (b).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **OCT 23 1996**

*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.



Court of Appeals of the State of Georgia

ATLANTA, October 29, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0098. DIXON et al. v. EASTER et al. .

In this case, Randy and Linda Dixon commenced this action against Jerry Easter and Pamela Clark, seeking damages for a gunshot wound Randy Dixon suffered while at the residence of Easter and Clark. On September 23, 1996, the trial court granted summary judgment for Clark, from which the Dixons have filed this application for interlocutory appeal.

However, under OCGA § 9-11-56 (h), an order granting partial summary judgment is directly appealable within 30 days after entry of the order or after entry of the final judgment in the case. See Mitchell v. Oliver, 254 Ga. 112 (327 SE2d 216) (1985). Accordingly, this application for interlocutory appeal must be dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 29 1996

*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.*

William R. Martin ^{Clerk.}

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 07, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0098

RANDY DIXON ET AL V. JERRY EASTER ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-011
30228

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 7 1996

*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.



CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: November 25, 1996

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S97C0371**

RANDY DIXON et al. V. JERRY EASTER et al.

Clerk, Supreme Court of Georgia

By: _____

Case No. A97I0098

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C0371

Atlanta, February 28, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

RANDY DIXON et al. V. JERRY EASTER et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A97I0098
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta March 27, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Daniel J. Middleton, Deputy Clerk.

Case No. A97I0098
Court of Appeals of Georgia

Filed in office
on:

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 07 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0100
THOMAS HOWARD RAINWATER V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99011

96SR3771D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV -7 1996

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 05 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0101

EUGENE G. HARDIN V. RTP TOWNHOUSE ASSOCIATION, INC. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98011

95108695

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 5 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 05 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0103
WILLIAM H. KIRKLEY V. RICHARD S. JONES ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93013

95V3

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV -5 1996

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 07 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0104
HERMAN BERNARD THOMAS V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94012

96B20954

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 7 1996

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 07 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0105
APPLE INVESTMENT PROPERTIES, INC. D/B/A BAYBERRY TRACE PERSONAL
CARE HOME V. MARTHA ANN WATTS, AS ADMINISTRATOR OF THE ESTATE OF
WILLIAM GEORGE HARRISON, DECEASED

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91012

93CV3765B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 7 1996

*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.

William L. Martin, Jr.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 20 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0106

GEORGIA DEPARTMENT OF CORRECTIONS ET AL V. RONALD PAUL MITCHELL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96012

96CV959

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 20 1996

*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.*

William L. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 14, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0108. VILLA ROUGE II ASSOCIATES v. OCHOA et al.

The defendants in the above styled case seek an interlocutory appeal from the order of the state court denying their motion for summary judgment and granting the plaintiffs' motion for partial summary judgment. The plaintiffs have moved this court to dismiss the application on the ground that the certificate of immediate review could be filed no later than October 14, 1996. However, since October 14, 1996, was a legal holiday in observance of Columbus Day, the defendants had until the following day to secure the filing of a certificate of immediate review. OCGA §§ 1-3-1 (d) (3) and 1-4-1. Whether the state court was open for business on October 14, 1996, makes no difference under OCGA § 1-3-1 (d) (3). Accordingly, the plaintiffs' motion to dismiss is without merit.

But this does not end the inquiry. It is well established that "[a]n order granting summary judgment on any issue or as to any party shall be subject to review by appeal, and where such appeal is taken, all judgments, rulings, or orders rendered in the case which are raised on appeal and which may affect the proceedings below shall be reviewed and determined by the appellate court, without regard to the appealability or finality of such judgments, rulings, or orders standing alone. [Cits.]" Reese v. Georgia Power Company, 191 Ga. App. 125, 126 (1) (381 SE2d 110)

(1989). We therefore conclude that the order defendants seek to appeal by application is subject to direct appeal because it is in part a grant of partial summary judgment to the plaintiffs. An application for interlocutory appeal, however, is proper only when the judgment complained of is "not otherwise subject to direct appeal." OCGA § 5-6-34 (b); Artis v. Gaither, 199 Ga. App. 114-115 (404 SE2d 322) (1991) (dismissed as improvidently granted because the judgment was directly appealable under OCGA § 9-11-56 (h)). We also note that the defendants plainly state in their application for appeal that the parties' respective motions for summary judgments both "pivoted on the efficacy, vel non, of terms of a certain Apartment Security Acknowledgment and Release" and that "[s]ame was the principal topic of the Trial Court's summary Order of October 4, 1996." The defendants therefore cannot be heard to argue that the parties' respective motions were so unrelated that the partial grant of summary judgment in the order complained of should be disregarded for jurisdictional purposes, even assuming there is valid authority for such a proposition.

Since the defendants have applied for an appeal from a directly appealable judgment, the application is improper and is hereby dismissed. Artis v. Gaither, supra.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 14 1996

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 07 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0109

HAMILTON TURPENTINE COMPANY, INC. V. UAP/AG CHEM INC.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98012

96VS111024F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV -7 1996

*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.*

William L. Martin Clerk.

Court of Appeals
of the State of Georgia

ATLANTA, NOVEMBER 12 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0111

GLEND A STRICKLAND V. CAROL R. STEARNS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93013

94CV662

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta NOV 12 1996

*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.*

Will Z. Mart Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 22 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0112

FATHER & SON MOVING AND STORAGE OF GEORGIA, INC. V. LISA SIMMONS-
SHARMAN ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94013

94A913292

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 22 1996

*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.*

William R. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 5, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0113. GATX LOGISTICS, INC., et al. v. EXEL LOGISTICS, INC.

On October 8, 1996, the superior court entered an order denying the defendants' motion for judgment on the pleadings or, alternatively, for partial summary judgment. The defendants sought and received a certificate of immediate review, which was timely filed on October 17, 1996. On Tuesday, October 29, 1996, this court received the defendants' application for interlocutory appeal by regular mail. However, an application for interlocutory appeal must be filed within ten days of the filing of the certificate of immediate review. OCGA § 5-6-34 (b). Although our court rules do authorize a specific method by which an application may be deemed filed on the date it is mailed, the applicants did not follow that method in this instance. See Rule 4 of the Rules of the Court of Appeals. This court therefore lacks jurisdiction to grant or deny an interlocutory appeal in this case.

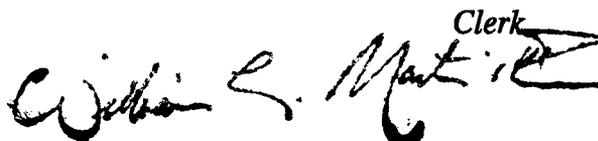
For the foregoing reasons, the above styled application is dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 5 1996

*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


**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 18 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0115
UNITED PARKING, INC. V. LEE R. HARKINS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96013

95VS101993D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 1996

*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.*

William R. Martie

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 4, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0117. BENSON v. BERRY COLLEGE, INC.

Christopher and Nancy Benson filed this application seeking an interlocutory appeal of the superior court's order granting Berry College, Inc. summary judgment on three of the six counts of the Benson's complaint. Because the Bensons have not followed the applicable procedure in bringing this appeal, this Court lacks jurisdiction to consider it.

"An order granting summary judgment on any issue or as to any party is, of course, subject to review by direct appeal." Jarallah v. Aetna Casualty & Surety Co., 592 Ga. App. 592, 593 (405 SE2d 510) (1991); OCGA § 9-11-56 (h). To preserve the right to bring a direct appeal, an appellant must timely file a notice of appeal in the trial court. Jordan v. Caldwell, 229 Ga. 343 (191 SE2d 530) (1972). The interlocutory appeal procedure "is applicable only to those orders, decisions, and judgments which are 'not otherwise subject to direct appeal' (OCGA § 5-6-34(b))." Artis v. Gaither, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Thus, the filing of an application for interlocutory appeal will not confer jurisdiction upon this Court to entertain a direct appeal. Id.

Therefore, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 4 1996

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 19 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0121

WESTFIELD INSURANCE COMPANY V. JAMMIE SAMUEL PRICE, INDIVIDUALLY AND
A/N/F OF SHANNON LEIGH SAWYER, AND AS ADMINISTRATOR OF THE ESTATE OF
DEBORAH SAWYER PRICE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91014

E24000

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 19 1996

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 22 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0124
WINN-DIXIE STORES, INC. V. VICKIE MOBLEY

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90014

95CV382

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 22 1996

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 20 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0125

BIK ASSOCIATES, A GENERAL PARTNERSHIP COMPOSED OF WILLIAM W. JOHNSON,
JR. AN DOROTHY JEAN TUCKER, INDIVIDUALLY AND AS EXECUTIX OF THE
ESTATE OF JOHN C. TUCKER ET AL V. TROUP COUNTY, GEORGIA

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99014

95CV000029

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **NOV 20 1996**

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 02 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0126

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. SYLVIA DIANE PADGETT
INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF WILLIAM N. PADGETT

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98014

96CV167

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 2 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0127

AMY WITHERBEE V. STEVEN E. MARCUS, P.C., FORMERLY KNOWN AS MARCUS &
BUTLER, P.C.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92015

E44101

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 4 1996

*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.*

William E. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0128
CROTTS ENTERPRISES, INC. D/B/A CROTTS INSURANCE AGENCY V. CHARLES
F. WILLIAMS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93015

9658925

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 4 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 02 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0129

NAUTILUS/GREAT DIVIDE INSURANCE COMPANY ET AL V. MARSHA JANE LAURIA

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94015

E41392

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 2 1996

*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.*

William R. Martini

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, NOVEMBER 22 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0130

CHARLES FORTSON ET AL V. KIMBERLY C. BOZEMAN, BY NEXT FRIEND, PENNY
W. ABBOTT ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91015

95CI0519

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 22 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0131

DEPARTMENT OF TRANSPORTATION V. 4.834 ACRES OF LAND ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97015

95V376T

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 4 1996

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0132
EDDIE LEE JEFFERSON V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96015

91CR7568

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

DEC - 4 1996

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 02 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0133

CONTINENTAL CASUALTY COMPANY V. MARSHA JANE LAURIA

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94016

E41392

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC -2 1996

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 11 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0134

HOOTERS OF AMERICA, INC. V. ADOLPH J. BLOCK, JR.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90015

E44270

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 11 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 05 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0136

ALVIN EDWARDS ET AL V. ARY SHOWALTER ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98015

95VS0094814

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 5 1996

*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.*

William L. Mart Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0137

UNITOG COMPANY, INC. ET AL V. FULTON COUNTY BOARD OF ASSESORS

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

92-016
E49532

E49534

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 10 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0137

UNITOG COMPANY, INC. ET AL V. FULTON COUNTY BOARD OF ASSESORS

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92016

E49532

E49534

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta DEC - 4 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 11 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0139

JENNIFER RIDENOUR MOCK V. ELIZABETH BLAIR, INDIVIDUALLY AND AS PARENT
AND NATURAL GUARDIAN OF MARGARET BLAIR ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91016

SC94CV1153

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 11 1996

*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.*

William S. Martine

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 04 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0140

ROBERT A. GISNESS, M.D. ET AL V. LINDA LOUISE BURKE, INDIVIDUALLY
AND AS SURVIVING SPOUSE OF TIMOTHY MICHAEL BURKE ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97016

931716004

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 4 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 16 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0143

DEPARTMENT OF TRANSPORTATION ET AL V. DEWANGUS VEAL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99016

94V242

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 16 1996

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 13 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0144

DEPARTMENT OF TRANSPORTATION ET AL V. CASEY DURDEN

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99017

94V243

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 1996

*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.

William R. Martine

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 13 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0145

CHRISTOPHER J. WHITE, D.D.S. V. HUBERT C. MASON ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98016

94CI0452

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 13 1996

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 06 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0147

JERRY CARSWELL V. GEORGIA DEPARTMENT OF CORRECTIONS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93017

95V204

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC -6 1996

*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.

William R. Martine

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 16 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0151

BRETT F. TRIVANE V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96017

95C45984

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 16 1996

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 31 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0154

THEODORE S. WOROZBYT ET AL V. JACK NOVOSELSKY

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92018

94VS92951F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 31 1996**

*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.*

William R. Martini

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 18 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0155

NATIONAL ENTERPRISES, INC. V. P. EDWARD LOYLESS, JR. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93018

95A0060183

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 18 1996

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 18 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0157
MOTOROLA, INC. V. JIMMY COLVIN

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91018

95CV31652C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 18 1996

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 13 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0158

DELIA D. SCHLOSSER V. WILLIAM H. BROWN ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97018

9600605

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 1996

*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.

William R. Martine

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0161

ALAN N. LeBLANC V. EARL S. WORSHAM ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99018

E26767

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -6 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 11, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0162. WALKER v. PURINA MILLS, INC.

This application for interlocutory appeal seeks review of an order transferring this contact action to another county because of improper venue. The trial court's order transferring the matter was entered on November 12, 1996, and the certificate of immediate review was entered on November 22, 1996. Under OCGA § 5-6-34 (b), the deadline for filing an application for interlocutory appeal thus was December 2, 1996.

This application appears to have been mailed by certified mail on that date, although the transmitting envelope bears no official postmark date and no certified mail receipt was submitted. However, costs for the application were not received by the Clerk's office until December 6, 1996. OCGA § 5-6-4 provides that "[t]he clerk is prohibited from receiving the application for appeal . . . unless the costs have been paid or a sufficient affidavit of indigence is filed or contained in the record." Rule 5 of the Court of Appeals Rules implements that statutory requirement.

Consequently, the docketing date for this application must be deemed to be December 6, 1996, thereby rendering the application untimely. Accordingly, this application must be dismissed. Cf. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 11 1996

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, DECEMBER 23 , 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0163

DAVID FOX V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92019

96CR0431

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 23 1996

*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.

William L. Martin

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C0707

Atlanta, April 24, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

PAUL WESLEY CROSS V. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A97I0164
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta June 6, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Jonathan J. Middleton Clerk.

Case No. A97I0164
Court of Appeals of Georgia

Filed in office
on:

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0164
PAUL WESLEY CROSS V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93019

96B05932

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -6 1997

*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.

William R. Martin

Court of Appeals
of the State of Georgia

ATLANTA, JANUARY 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0164
PAUL WESLEY CROSS V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93019

96B05932

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN -6 1997*

*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.

William R. Martin

Court of Appeals of the State of Georgia

ATLANTA, January 8, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0165. JOHNSON, et al. v. KINLAW.

Connie Johnson seeks an interlocutory appeal from the order of the superior court entered on November 15, 1996, denying her motion for summary judgment. However, although the superior court signed a certificate of immediate review dated November 26, 1996, this court may permit an appeal to be taken from an interlocutory order only if the trial court "certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had. . . ." (Emphasis supplied.) OCGA § 5-6-34 (b). Since the order complained of was not timely certified for immediate review, we are without jurisdiction to consider Johnson's application for appeal. Accordingly, the application is dismissed. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 8 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0166

TRAX MONITORING, INC. V. ROBERT A. CONTESTABILE ET AL

Upon consideration of the motion for reconsideration filed
in this case, it is ordered that it be hereby denied.

91-019
93VS79030

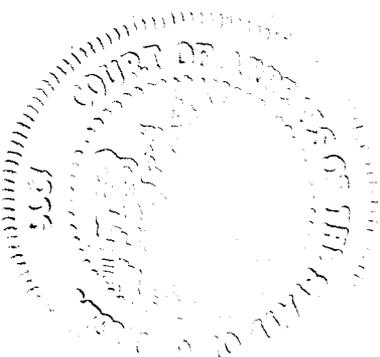
Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 24 1997

*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.

William R. Martin



Court of Appeals of the State of Georgia

ATLANTA, December 31, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0167. GRANT PARK VILLAGE, L.P. et al. v. "C," A MINOR et al.

This application for interlocutory appeal seeks review of the grant of a motion to compel discovery of the defendants' financial circumstances in an action in which punitive damages are sought. The order for which interlocutory appeal may be sought is the trial court's order entered on November 21, 1996, denying the defendants' motion to reconsider the order compelling discovery. The trial court granted a certificate of immediate review on December 3, 1996.

However, under OCGA § 5-6-34 (b), a certificate of immediate review must be entered within 10 days after entry of the order for which an appeal is sought. In the instant case, the deadline for obtaining a certificate of immediate review with regard to the November 21, 1996, order, was December 2, 1996, and the defendants thus obtained the certificate one day late.

The ten-day time requirement for obtaining a certificate of immediate review is inflexible, and the defendants' failure to comply with that requirement deprives this Court of the jurisdiction to consider this application at this time. See Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973). Accordingly, the application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **DEC 31 1996**

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 23, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0168

SPEROS HOMER, JR. V. MARIA ELENA NIKOULIS, BY AND THROUGH HER NEXT
FRIEND, CLARA BORDA

Upon consideration of the motion for reconsideration filed
in this case, it is ordered that it be hereby denied.

96-019
95A71745

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 23 1997

*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.

William R. Martin

Court of Appeals of the State of Georgia

ATLANTA, January 7, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0169. THE WACKENHUT CORPORATION v. TRAX MONITORING, INC.

The Wackenhut Corporation filed this application seeking interlocutory review of the trial court's order denying its motion for summary judgment. The court entered its order on November 27, 1996 and entered the certificate of immediate review on the same day. Wackenhut filed its application with the clerk of this Court on December 11, 1996.

However, under OCGA § 5-6-34 (b), an application for interlocutory appeal must be filed within 10 days of the grant of the certificate of immediate review. In the instant case, the deadline for filing an application was December 7, 1996, a Saturday, and thus Wackenhut had until Monday, December 9, 1996 in order to file its application. Wackenhut, however, did not file its application until December 11, 1996, two days late and thus it is untimely. Accordingly, the application is ordered DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 7 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 13 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0170
ADY PADAN ET AL V. ANDRIA YILDIRIM ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90019

E49513

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 13 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 07 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0171

PRUCO LIFE INSURANCE COMPANY ET AL V. URSULA ERNST

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99019

96VS0108591E

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -7 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 10 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0172

JOE A WEEKS, P.C. ET AL V. HUBERT W. MERCHANT, JR.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98019

96CV59244

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 10 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 13 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0173

CARMAN NEZHAT, M.D. ET AL V. SEY BARRON SIMPSON ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92020

E29960

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 13 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 08 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0176
CLASSIC CADILLAC ATLANTA, CORP. V. WAYNE HORTON

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97020

95VS0107232

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 8 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 17, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0177

DOVER ELEVATOR COMPANY, INC. ET AL V. NORMA A. CHILDS ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-020
95RCCV698

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 17 1997

*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.

William L. Martini

Court of Appeals of the State of Georgia

ATLANTA, JANUARY 16, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0180. SHIVER LUMBER COMPANY V. WILLIAM Y. SMITH

Applicant's attorney has filed a motion to withdraw the petition for interlocutory appeal is hereby granted.

98-020

96-V-340

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JAN 16 1997**

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 16 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0181

GERALD HARGROVE INSPECTION SERVICES, INC. ET AL V. PHILLIP J. KEUHLEN
ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92021

CV96342

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 16 1997

*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.*

William R. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 8, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0183. WILSON v. THE STATE.

James Boyd Wilson was charged with and tried for theft by taking, but the trial court declared a mistrial over Wilson's objection when the jury was unable to reach a verdict. After he was subsequently re-indicted for theft by taking and an additional charge of theft by receiving stolen property, Wilson filed a plea of double jeopardy as to the latter charge. The trial court denied the plea and certified the denial for immediate review, and Wilson then filed this application for interlocutory appeal.

However, as Wilson himself notes in the application, the denial of a plea of double jeopardy may be appealed directly, without resort to the interlocutory appeal procedures set forth in OCGA § 5-6-34 (b). Young v. State, 251 Ga. 153 (303 SE2d 431) (1983). Accordingly, this interlocutory application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 8 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 15, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0185. MARTHA D. CODY V. PRADO NORTH CONDOMINIUM ASSOCIATION,
INC. ET AL

Applicant's attorney has filed a motion to withdraw the petition
for interlocutory appeal is hereby granted.

97-021

E49859

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 15 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 16 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0186
STEVEN KAROKU NAVICKY V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96021

96B23925

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 16 1997

*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.

William L. Martin

Court of Appeals of the State of Georgia

ATLANTA, January 28, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0189. TEAL-CREWS ET AL v. CLAYTON.

On January 14, 1997, Angie Teal-Cruse, Janet Stewart, and ASDC Management Corporation ("the applicants") filed this application for interlocutory appeal seeking review of the trial court's December 26, 1996 order denying their motion summary judgment. The applicants timely obtained and filed a certificate of immediate review of that order on January 3, 1997. However, the application was filed with this Court eleven days after the entry of the certificate of immediate review, rendering it untimely. On January 24, 1997, the respondent filed a motion to dismiss the application on this basis.

OCGA § 5-6-34 (b) requires that an application for interlocutory appeal be filed "within ten days after such certificate is granted." This court lacks jurisdiction to consider an untimely application. See Baynes v. State, 189 Ga. App. 797 (377 SE2d 708) (1989). Accordingly, respondent's motion is GRANTED and this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 28 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 05 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0191

ADAMS PULPWOOD, INC. ET AL V. B. E. BENNETT

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93022

95C81

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB - 5 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA

FEBRUARY 05 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0192

GEORGIA-PACIFIC CORPORATION ET AL V. B. E. BENNETT

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93023

95C81

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 5 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 31 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0193
JANE ROBERTS V. CINDEE WATERS

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94022

E53685

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 31 1997

*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.*

William R. Martini

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 27 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0194

KIRK M. DUFFY V. DIANE NELSON VAN WAGNER FORMERLY KNOWN AS DIANE
NELSON DUFFY

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91022

DR96011461FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 27 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JANUARY 23 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0195

RHYTHM FESTIVAL, INC. A/K/A RHYTHM FEST V. PAULA JORISCH

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97022

E41513

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 23 1997

*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.*

William R. Marti

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 05 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0197

PIONEER PLASTICS CORPORATION ET AL V. LUAT NGOC TON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90022

96VS113938D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB -5 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 11 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0206

MORROWOOD ASSOCIATES, LTD. D/B/A MORROWOOD TOWNHOUSES V. VICKI STILL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99023

96VS104676

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 11 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 07 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0207

FIRST UNION NATIONAL BANK OF GEORGIA V. PEGGY C. HANLEY

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98023

94VS91609

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -7 1997

*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.

William L. Martin, Jr.

Court of Appeals of the State of Georgia

ATLANTA, February 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0208. THE STATE v. TURNER.

This application for interlocutory appeal seeks review of the trial court's grant of a defendant's motion in limine, excluding a blood test because of the State's failure to show a proper foundation for the report's admission.

Following her arrest for driving under the influence, Kelly Turner complained of difficulty breathing, and she was transported to a hospital for examination. While there for that purpose, a blood test was administered which indicated Turner's blood alcohol content. Turner subsequently moved to exclude that blood test on the grounds that (1) the test was not administered in accordance with OCGA § 40-6-392, and (2) the State could not establish a proper foundation for the admission of the test results. The trial court concluded that the State had failed to show the blood test's admissibility, and granted the motion in limine.

In this application, the State seeks review of the trial court's ruling regarding its inability to lay a proper foundation for the admission of the blood test results. As such, this attempted appeal is unauthorized under OCGA §§ 5-7-1 or 5-7-2.

"If the defendant in a criminal case files any pre-trial

motion to exclude evidence on the ground that it was obtained in violation of law, the grant of such a motion may be appealed by the State." State v. McKenna, 199 Ga. App. 206, 207 (404 SE2d 278) (1991). In the instant case, however, although Turner's motion arguably asserted the illegal obtaining of the blood test along with the foundational objection, the sole issue for appeal is that the trial court erred in excluding the test results based on the State's failure to establish a proper foundation. Because such an evidentiary ruling is not one which is enumerated in OCGA § 5-7-1, the State may not appeal it, and this application thus must be dismissed. *Id.*; see also, Berky v. State, 266 Ga. 28 (463 SE2d 891) (1995).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 10 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0208

THE STATE V. KELLY LYNN TURNER

Upon consideration of the motion for reconsideration filed
in this case, it is ordered that it be hereby denied.

92-024
155418

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 24 1997

*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.*

William L. Marti Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0230

DAVID CRANFORD ET AL V. CITY OF STONE MOUNTAIN ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

97026

93A718292

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR -4 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

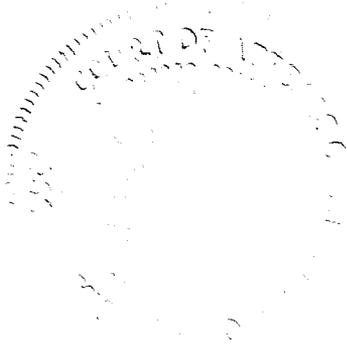
APPLICATION NO. A97I0231

GATX LOGISTICS, INC. ET AL V. EXEL LOGISTICS, INC,

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96026

E44291



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -6 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0232
ALLSTATE INSURANCE COMPANY V. DORIS C. PETERS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90026

95VS0107003

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 10 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 18, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0233. WEAVER v. THE STATE.

Vickie Weaver filed an application for interlocutory review of the trial court's order denying her motion to suppress. The judge signed the order on January 23, 1997 and it was filed by the clerk of court on the same day. The judge signed the certificate of immediate review on January 31, 1997 but the certificate was not filed with the clerk until February 10, 1997.

"[A] certificate of immediate review of a nonfinal or interlocutory judgment is ineffective unless entered, i.e., filed with the clerk, within ten days after entry of the judgment appealed from." Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered during the ten-day period, it is untimely and the party must wait until a final judgment is entered before appealing an interlocutory judgment rendered in the case. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Therefore, the certificate of immediate review filed 18 days after entry of the order denying Weaver's motion to suppress is untimely and the application is ordered DISMISSED. Whitlock v. State, 124 Ga. App. 599, 601 (1) (185 SE2d 90) (1971).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 18 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 27 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0234
RICHARD J. BOWERS V. MITZI D. HENDERSON ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98026

96CV30290

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 27 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0235
CARL SERCER V. DELORIS WELLS ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92027

94CV255

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -6 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 11, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0236

JERRY ZERBACH V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93027

96W696

96W697

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 11 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 11, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0237

BRUNO'S FOOD STORES D/B/A PIGGLY WIGGLY SOUTHERN, INC. V. MILDRED E.
EDWARDS

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94027

95CV146

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 11 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0239

HAMBY & ALOISIO, INC. ET AL V. EDGEWOOD FOODS, INC. D/B/A ROSE SANDWICH
COMPANY

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97027

96CV35828

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR -4 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0240
ROBERT B. TRAVERS V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96027

96C58875

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -6 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 27 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0244
JACK MEACHAM, M.D. V. HEATHER STRICKLIN

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98027

95CA20276

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 27 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 21, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0279

FRANCISCAN CLUB ASSOCIATES, L.P. D/B/A FRANCISCAN CLUB ET AL V. LARRY
PASSMORE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98031

95VS104717D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 21 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 23 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0280

RADIOLOGY ASSOCIATES OF DEKALB, INC. ET AL V. JANELLE SIMPSON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92032

95VS96319F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 23 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 21 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0281

ROPER CORPORATION ET AL V. LINDA COOK, INDIVIDUALLY AND AS
ADMINISTRATRIX FOR THE ESTATE OF JERRY E. COOK

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93032

96VS119092F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 21 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 06, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0281

ROPER CORPORATION ET AL V. LINDA COOK, INDIVIDUALLY AND AS
ADMINISTRATRIX FOR THE ESTATE OF JERRY E. COOK

Upon consideration of the motion for reconsideration filed
in this case, it is ordered that it be hereby denied.

93-032
96VS119092F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY - 6 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 24, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0282

BRUNO'S FOOD STORES, INC. D/B/A PIGGLY WIGGLY V. DOROTHY HOGAN

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94032

96CV1637ST

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 24 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 22 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0283

ALFRED WORTHAM V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91032

SC96CR1110

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 22 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 21, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0285

GEORGE VICTOR MATTHEWS V. SANDRA PRESCOTT MATTHEWS

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96032

E31382

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 21 1997

*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.*

William R. McIntire

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 17, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0287

TORRES ELECTRICAL SUPPLY COMPANY, INC. V. NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90032

96VS0120882C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 17 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 30 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0289

PEACHTREE COMPLEX, L.P. V. LES HALLES ATLANTA, L.L.C.

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98032

96D2617

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 30 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 07 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0290

WATKINS MOTOR LINES, INC. ET AL V. SAMUEL CHAFFIN, JR. ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92033

94VS88561D

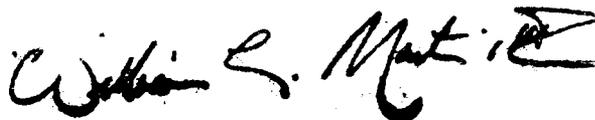
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY -7 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 23 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0291
RICHARD DAY V. CONNIE S. LAND

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93033

96CV487

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 23 1997

*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.*

William R. Martine

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 24, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0292

JAMES LAWRENCE, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF
WALTER C. LAWRENCE V. DOROTHY LANEY, INDIVIDUALLY AND AS ADMINISTRATRIX
OF THE ESTATE OF MYRTLE TRAMMEL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94033

91V465

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 24 1997

*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.*

William L. Martin

Clerk.

93-165

SUPREME COURT OF GEORGIA

Remittitur, Case No. S96G1067

Atlanta, March 17, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

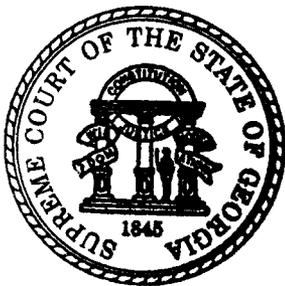
PEGGY S. DUNCAN V. INTEGON GENERAL INSURANCE CORPORATION

This case came before this court by writ of certiorari from the Court of Appeals; and, after argument had, it is considered and adjudged that the writ is reversed.

All the Justices concur, except Fletcher, P.J., Sears and Hines, JJ., dissent.

93CV872
Court of Appeals Case No. A95A2465

FILED IN OFFICE
187 APR 11 1997
CLERK COURT OF APPEALS



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta April 10, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Shirley M. Welch

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, APR 16 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0293. Carr v. Fulton County Board of Tax Assessors

This application for interlocutory appeal seeks review of the trial court's order denying Alice Carr's motion for summary judgment in this ad valorem tax appeal. The order denying Carr's motion was entered on February 17, 1997. Although Carr obtained a certificate of immediate review from the trial court's February 17 order, she did not do so until March 31, 1997, the date the certificate of immediate review was entered.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra.

In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's February 17, 1997 order, and therefore, it is untimely. Accordingly, this application is DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 16 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 29, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0294

ALICE L. YOUNG V. EMBASSY SUITES, INC. D/B/A EMBASSY SUITES HOTEL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96033

89V16347

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 29 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, APR 29 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0295. POPE v. THE STATE.

Mark Pope seeks an interlocutory appeal from the order entered on March 11, 1997, denying his motion to suppress. The trial court issued a certificate of immediate review on March 24, 1997, and the certificate was filed the same day. However, an application for interlocutory appeal is not permitted unless the trial judge certifies within ten days of the entry of the order complained of that immediate review should be had. OCGA § 5-6-34 (b). Accordingly, since Pope failed to secure a certificate of immediate review within the time allowed under OCGA § 5-6-34 (b), his application is hereby DISMISSED. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 29 1997

*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.*

William R. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA, APR 17 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0297. ALLEN et al. v. KAHN et al.

This application for interlocutory appeal seeks review of the dismissal of one defendant in a medical malpractice case based on the statute of limitations having run. However, in dismissing that portion of the case, the trial court certified that there was no just reason for delay and directed entry of final judgment for the defendant in accordance with OCGA § 9-11-54 (b). Where a trial court makes such an express determination, the judgment is final and ripe for direct appeal, and the jurisdictional thirty-day period for filing a notice of appeal begins to run from the date of the certification. Culwell v. Lomas & Nettleton Co., 242 Ga. 242, 243 (248 SE2d 641) (1978). Inasmuch as the trial court's order was directly appealable, this application for interlocutory appeal is dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 17 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 22 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0298
CHARLES PATE ET AL V. JACK MILLER

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93034

96VI034W

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 22 1997*

*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.*

William L. McIntire Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 07 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0299

K. ANDREW GOLER, M.D. ET AL V. BRENDA L. DANFORD ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92034

94135845

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY - 7 1997

*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.

William R. Monte

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 15, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0306
VENTURE SYSTEMS, INC. V. RANDY WORTHINGTON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98034

SC96CV526

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 15 1997**

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 15 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0307

UNITED FORMING, INC. V. RANDY WORTHINGTON

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98035

SC95CV526

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 15 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 13, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0312
CHARLES RANDOLPH GRIFFIN V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

97035

97R010

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 13 1997*

*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.*

William R. McIntire Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 15, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0313
COMPOSITE CONSTRUCTION SYSTEMS, INC. V. RANDY WORTHINGTON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98036

SC95CV526

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 15 1997

*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.*

William L. Martini

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 14, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0314
BOOTH MANUFACTURING COMPANY V. MICHEAL G. COLLINS D/B/A MIKE & TRAVIS
FARMS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96035

96V384

96V385

96V386

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 14 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 15 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0315. RUFUS ADAMS, INDIVIDUALLY AND AS NEXT OF KIN OF PATSY ADAMS (DECEASED) AND BRIONA ADAMS, A MINOR, BY RUFUS ADAMS AS NATURAL PARENT v. SOUTHWEST HOSPITAL AND MEDICAL CENTER, ET AL

Applicants Rufus Adams, et al, seek interlocutory review of the trial court's dismissal of their complaint against Respondent Southwest Hospital and Medical Center. Under Court of Appeals Rule 31 (c), an application for interlocutory appeal must include a stamped "filed" copy of the judgment from which an appeal is sought. The application did not contain such a copy of the judgment appealed, and on April 24, 1997, this Court ordered the applicants to submit such within 10 days and emphasized that the application would be dismissed if it was not physically received by that deadline. However, the applicants failed to submit the requisite stamped "filed" copy of the order within that deadline. It is the applicant's and not this court's responsibility to ensure that all documents required by statute or court rule are included in an application for interlocutory appeal prior to the court's decision to grant or deny the application. See Williams v. Food Lion, Inc., 213 Ga. App. 865, 868 (446 SE2d 221) (1994). This application is accordingly ordered DISMISSED. Rule 7 of the Court of Appeals Rules.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 15 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 14 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0316
VICKI WHITFIELD V. TANYA Z. BREWER ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99035

96CS146

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 14 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 15, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0317

LASSIER PROPERTIES, INC. DAVIDSON MINERAL PROPERTIES, INC.

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92036

96112746

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 15 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 14, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0318

MT. VERNON BAPTIST CHURCH V. KATHY ELAINE DUFFEY ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93036

95CV1954

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 14 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 14 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0320
JOHN PHILLIPS ROSS V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91036

9740612

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

MAY 14 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 15, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0322

BELL SOUTH TELECOMMUNICATIONS ET AL V. WALTER J. BIESZAK

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96036

95139066

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 15 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 21, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0324

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. SAMUEL KELLEY ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

99036

96V481

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAY 21 1997**

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 19, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0325
AIRBORNE FREIGHT CORPORATION, A DELAWARE CORPORATION, D/B/A AIRBORNE
EXPRESS V. PATRICIA H. HARRIS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92037

94VS0092810B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 19 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0335
EDWARD MILLS, D.D.S. V. DENNIS JEFFREY GREEN

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93038

94VS94043G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 6 1997

*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.*

William R. Matlock Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 05 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0336
WORLDCOM, INC., AS A SUCCESSOR TO ADVANCED TELECOMMUNICATIONS
CORPORATION V. ATLANTA DATACOM, INC. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94038

95VS105354D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -5 1997

*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.*

William R. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUN -3 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

**A97I0338. MCDANIEL v. AMERICAN GENERAL LIFE AND ACCIDENT INS. CO.
A97I0339. GILLIS v. AMERICAN GENERAL LIFE AND ACCIDENT INS. CO.**

Randy McDaniel and Mathel Gillis filed these applications seeking interlocutory appeal of the superior courts' orders granting American General Life and Accident Insurance Company summary judgment. Because both McDaniel and Gillis have failed to follow the appropriate appellate procedure, this Court lacks jurisdiction to consider these appeals.

"An order granting summary judgment on any issue or as to any party is, of course, subject to review by direct appeal." Jarallah v. Aetna Casualty & Surety Co., 592 Ga. App. 592, 593 (405 SE2d 510) (1991); OCGA § 9-11-56 (h). To preserve the right to bring a direct appeal, an appellant must timely file a notice of appeal in the trial court. Rowland v. State, 264 Ga. 872 (1)(452 SE2d 756) (1995). The interlocutory appeal procedure "is applicable only to those orders, decisions, and judgments which are 'not otherwise subject to direct appeal' (OCGA § 5-6-34(b))." Artis v. Gaither, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Thus, the filing of an application for interlocutory appeal will not confer jurisdiction upon this Court to entertain a direct appeal. Id.

Therefore, these applications are hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -3 1997

*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.*

William R. Martin ^{Clerk} 

Court of Appeals of the State of Georgia

ATLANTA, JUN -3 1997

*The Honorable Court of Appeals met pursuant to adjournment.
The following order was passed:*

**A97I0338. MCDANIEL v. AMERICAN GENERAL LIFE AND ACCIDENT INS. CO.
A97I0339. GILLIS v. AMERICAN GENERAL LIFE AND ACCIDENT INS. CO.**

Randy McDaniel and Mathel Gillis filed these applications seeking interlocutory appeal of the superior courts' orders granting American General Life and Accident Insurance Company summary judgment. Because both McDaniel and Gillis have failed to follow the appropriate appellate procedure, this Court lacks jurisdiction to consider these appeals.

"An order granting summary judgment on any issue or as to any party is, of course, subject to review by direct appeal." Jarallah v. Aetna Casualty & Surety Co., 592 Ga. App. 592, 593 (405 SE2d 510) (1991); OCGA § 9-11-56 (h). To preserve the right to bring a direct appeal, an appellant must timely file a notice of appeal in the trial court. Rowland v. State, 264 Ga. 872 (1)(452 SE2d 756) (1995). The interlocutory appeal procedure "is applicable only to those orders, decisions, and judgments which are 'not otherwise subject to direct appeal' (OCGA § 5-6-34(b))." Artis v. Gaither, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Thus, the filing of an application for interlocutory appeal will not confer jurisdiction upon this Court to entertain a direct appeal. Id.

Therefore, these applications are hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -3 1997

*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.*

William R. Martin ^{Clerk} 

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0340
MARK JASON SHACKLEFORD V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96038

97CR735

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -6 1997

*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.*

William L. Matz

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 28 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0341
EUGENE FRAZIER V. VARNER BASS ENTERPRISES

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90038

96SCV70

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 28 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 11, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0342
AVAILSTAFF STAFFING SERVICES, INC. F/K/A TEMP SOURCE TEMPORARIES, INC.
ET AL V. DAVID COLE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99038

9631618

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 11 1997

*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.*

William L. McIntire

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 02 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0343

UICI ET AL V. WADE ROGERS

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98038

96CV248

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -2 1997

*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.

Court of Appeals of the State of Georgia

ATLANTA, June 16, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0344. JOHN V. ECHOLS v. THE STATE.

This application for interlocutory appeal alleges that, pursuant to warrant numbers 96W02485 and 96W02486, defendant John V. Echols appeared at a preliminary hearing before the Magistrate Court of DeKalb County regarding "charges of battery under the Family Violence Act and obstruction[.]" According to the notes of the Magistrate, the charge of battery was "dismissed at request of [the] prosecutor. Def. has agreed to have psychiatric evaluation within 10 days. Def. has signed up with MSV [Men Stopping Violence] Stop the Violence program. There is a current restraining order in place." Defendant satisfactorily completed 12 sessions of the "End Violence Now" program by "12/30/96." Nevertheless, "[d]uring the 1997 January Term, Defendant was indicted [. . . for] Obstruction, Family Violence Battery and two (2) counts of Aggravated Assault[, . . . arising out of] the same occurrence and facts for which defendant appeared . . . in the Magistrate Court [. . . wherein] both the Aggravated Assault and Battery charges were dismissed. Defendant filed a "PLEA OF FORMER JEOPARDY" in the Superior Court of DeKalb County, contending that prosecution under the indictment amounted to "a second judicial determination . . . upon the same subject matter and same criminal occurrence[, constituting] double jeopardy." The superior court declined to dismiss the pending indictment but certified its order denying defendant's plea of double jeopardy for immediate review.

Ordinarily, the denial of a timely plea in bar on double jeopardy grounds is considered a final judgment within the meaning of OCGA § 5-6-34 (a) and is directly appealable. Patterson v. State, 248 Ga. 875 (287 SE2d 7) (1982); McDaniel v. State, 224 Ga. App. 5 (479 SE2d 779) (1996). In the case sub judice, it is our view that no jeopardy had attached arising out of the magistrate's dismissal. Specifically, that discharge (and defendant's successful completion of the intervention program) "did not bar a subsequent indictment and trial. . ." in the superior court, the only court of competent jurisdiction. Wells v. Stynchcombe, 231 Ga. 199, 201 (200 SE2d 745). An appeal of right may be dismissed for failure to follow appellate procedural requirements. Rowland v. State, 264 Ga. 872, 874 (2), 875 (452 SE2d 756). It is hereby

ORDERED that defendant's application for interlocutory appeal be DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 16 1997

*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.

William R. Martin

Court of Appeals of the State of Georgia

ATLANTA, JUN -2 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0346. HALE v. THE STATE.

Jimmy N. Hale filed this application for interlocutory appeal seeking review of the trial court's oral denial of his motion in limine to suppress evidence. However, "an oral order is not final nor appealable until and unless it is reduced to writing, signed by the judge, and filed with the clerk." Sharp v. State, 183 Ga. App. 641 (360 SE2d 50) (1987). Thus, this application is premature and this court lacks jurisdiction over this appeal. OCGA § 5-6-34.

Accordingly, this appeal is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -2 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 13, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0347
H & J ERECTORS, INC. V. ANTHONY COTTON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91039

96VS109681

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 13 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 11, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0350
PAMELA JANE TURNER V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90039

97R090

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 11 1997

*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.*

William R. Matie

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUN 17 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0351. GRAIN DEALERS MUT. INS. CO. v. PAT'S RENTAL, INC. ET AL.

Grain Dealers Mutual Insurance Company ("the applicant") filed this application for interlocutory appeal seeking review of an order of the superior court which denied the applicant's cross-motion for summary judgment and other related motions. The order appealed also granted summary judgment to Pat's Rental, Inc. Thus, the applicant directly appealed that final order by timely filing a notice of appeal with the trial court. The direct appeal has been docketed here under Case No. A97A2122. The notice of appeal states that the applicant appeals both the grant of summary judgment to Pat's Rental, Inc. and the denial of the applicant's cross-motion for summary judgment and related motions. However, the applicant also filed this application "as a precautionary matter."

The Georgia Supreme Court, in Southeast Ceramics, Inc. v. Klem, 246 Ga. 294 (246 SE2d 294) (1980), held that a denial of a motion for summary judgment may be directly appealed "when it is tied to the appeal of an appealable order or judgment." *Id.* at 295. The Supreme Court explained, that as a matter of judicial economy, "when a direct appeal is taken, any other judgments, rulings or

orders rendered in a case and which may affect the proceedings below may be raised on appeal and reviewed and determined by the appellate court." *Id.* Moreover, OCGA § 5-6-34 (d) provides that when a final judgment is appealed, "all judgments, rulings, or orders rendered in the case which are raised on appeal and which may affect the proceedings below shall be reviewed and determined by the appellate court without regard to the appealability of the judgment, ruling, or order standing alone." E.g., Schirmer v. Amaroso, 209 Ga. App. 682 (434 SE2d 80) (1993).

Because the applicant has brought a direct appeal and because the issues raised in this interlocutory application may be addressed in that direct appeal, this application is "superfluous." Southeast Ceramics v. Klem, *supra* at 295. Accordingly, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 17 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 18, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0352
ETOWAH BANK V. CHARLES GEARING

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98039

95SC1091

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 18, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0353
RHODES FURNITURE V. JUNE E. TROMPETER

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94042

96A257463

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 18 1997

*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.*

William R. Mat... Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 12 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0354

HARRY CHARKATZ, M.D. V. DOUGLAS E. ALLDS, JR. ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92040

96V55171M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 12 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0355

PAULINE CONSTANTINE ET AL V. ST. PAUL'S GREEK ORTHODOX CHURCH

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94040

CV950802FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 24 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

JUN - 6 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0356. TYSON, et al. v. STATE OF GEORGIA

The applicants seek an interlocutory appeal from an order entered by the superior court on May 2, 1997. However, an application for interlocutory appeal is not authorized under OCGA § 5-6-34 (b) unless the applicant first secures from the trial court a certificate of immediate review and causes it to be filed within ten days of the entry of the order, decision, or judgment for which the certificate is sought. Since the certificate on which applicants rely was not signed and filed until May 16, 1997, 14 days after entry of the court's order granting the State's motion to strike their claims, this court is without jurisdiction to consider the application and it is therefore dismissed. Mormon v. Board of Regents of the University System of Georgia, 198 Ga. App. 544 (402 SE2d 320) (1991); Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN - 6 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA,

JUNE

18 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0357

L. ALLEN HAYNES D/B/A CONSTRUCTION ASSOCIATION, INC. V. DR. ROBERT
COVI ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97040

96CV17X

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 1997

*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.*

William S. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 16, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0358

CARL BURGNER V. LOIS ZUPON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90040

96CV2844B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 16 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 26 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0359
EDWARD BURGER V. WILLIAM MICHAEL BECK

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

99040

96I628

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 26 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 18 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0362

TAWANYA MELTON V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93041

97CV185

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 18 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0363
ALFREDO SUAREZ V. TRACY A. CURRY ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94041

94CV6838

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 24 1997

*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.*

William E. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 18 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0365

THE ALBANY HERALD PUBLISHING COMPANY, INC. ET AL V. PHEOBE PUTNEY
HEALTH SYSTEMS, INC. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97041

95CV2424

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 18 1997

*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.*

William S. Martie Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 01 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0367
ENRIQUE C. CASTILLO V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90041

95C45984 96100595 96100596

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL - 1 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 01 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0369
BYRON HATCHELL WOOD V. RONALD DEAN MURPHY, JR.

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98041

CV961724

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL - 1 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 26 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0371

LARRY CHAMPION V. FRANKLIN'S SOUTH SPORTS CENTER, INC.

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93041

96V029

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

JUN 26 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 30 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0373

NATIONSBANK, N.A. (SOUTH) V. ENTERPRISE FINANCIAL CORPORATION ET AL 01

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93042

E41798

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 30 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 02 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0374
WILLIAM JOSEPH WHITLEY V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91042

96CR3679

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL - 2 1997

*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.

Court of Appeals of the State of Georgia

ATLANTA,

JUN 18 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

**A97I0375. POSTON PROPERTIES, INC. v. CITY OF POWDER SPRINGS,
GEORGIA**

On June 13, 1997, this court docketed the application for interlocutory appeal filed by Poston Properties, Inc. Because the application did not contain a stamped "filed" copy of the order complained of, a standard order was issued as a matter of course directing the applicant to supplement its submission with a copy of the order certified by the trial court for immediate review. It appears, however, that the trial court's "decision to grant Defendants' Motion in Limine" referenced in its certificate of immediate review was merely a bench ruling that was never reduced to writing. But OCGA § 5-6-34 (b) clearly provides that "entry" of the order, decision, or judgment complained of is a necessary prerequisite to the filing of an application for appeal pursuant to that Code section. In this regard, OCGA § 5-6-31 provides that "[t]he filing with the clerk of a judgment, signed by the judge, constitutes the entry of a judgment within the meaning of this article."

For the foregoing reasons, the court finds that Poston Properties' petition for interlocutory appeal presents no properly entered decision for this court to review. Accordingly, the application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 18 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 03 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0376

CHRIS J. KROGH, INC. D/B/A KROGH BUILT ET AL V. SUSAN WISLAR

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96042

95VS0106555

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL _3 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 14 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0377
KENNETH R. HOLMES V. ACHOR CENTER, INC. ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90042

96VS0119411

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 14 1997

*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.*

William R. [Signature] Clerk.

Court of Appeals of the State of Georgia

JUN 26 1997

ATLANTA,

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0378. CARTER, et al. v. POLYGRAM GROUP DISTRIBUTION, INC.

The defendants in the above styled case seek an interlocutory appeal from the order of the state court entered May 20, 1997 denying their motion for leave to amend their answer and to assert a counterclaim. The state court signed a certificate of immediate review from this order on May 30, 1997. The defendants admit that the certificate was not filed with the clerk until June 10, 1997. It is well settled, however, that an application for interlocutory appeal is not authorized unless a certificate of immediate review is both signed by the judge and filed with the clerk within ten days of the date the order complained of was entered. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Since the defendants' application has not been authorized by the trial court in the manner required under OCGA § 5-6-34 (b), it is hereby dismissed for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 26 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I00380. NORTHWEST GEORGIA COUCIL OF BOY SCOUTS OF AMERICA V.
MATHEW RUSH

The appellant's motion to withdraw an interlocutory appeal is hereby granted.

93-043

94CV1458

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 10 1997

*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.

Court of Appeals of the State of Georgia

ATLANTA, JUL 11 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0381. SHEPPARD v. MORGAN & HUNT OIL COMPANY

Frank Sheppard d/b/a Sheppard's Auto Service and Louie J. Baker ("applicants") seek interlocutory review of the trial court's order granting Morgan & Hunt Oil Company partial summary judgment. The court found that the applicants were tenants "holding over beyond the expiration of a lease." Because the applicants failed to follow the appropriate appellate procedure, this Court lacks jurisdiction to consider the appeal.

"An order granting summary judgment on any issue or as to any party is, of course, subject to review by direct appeal." Jarallah v. Aetna Casualty & Surety Co., 592 Ga. App. 592, 593 (405 SE2d 510) (1991); OCGA § 9-11-56 (h). To preserve the right to bring a direct appeal, an appellant must timely file a notice of appeal in the trial court. Rowland v. State, 264 Ga. 872 (1) (452 SE2d 756) (1995). The interlocutory appeal procedure "is applicable only to those orders, decisions, and judgments which are 'not otherwise subject to direct appeal' (OCGA § 5-6-34(b))." Artis v. Gaither, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Thus, the filing of an application for interlocutory appeal will not confer jurisdiction

upon this Court to entertain a direct appeal. Id. Moreover, because the order appealed does not fall within the ambit of OCGA § 5-6-35 (a), we are not required to treat this application as one for discretionary appeal.

Accordingly, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 11 1997

*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.*

William R. Matie

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 21, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0382. BAILEY v. THE STATE.

On March 28, 1997, the superior court denied applicant Robert Vaughn Bailey's motion to admit polygraph evidence. Bailey did not receive notice from the court that this order had been entered. See OCGA § 15-6-21 (c). On May 29 the superior court attempted to remedy the error by a second order stating that "[b]ecause of the failure of the Court to serve the written Order on the defendant, due process requires that service be accomplished and that defense counsel has ten days from the date of service to request a Certificate of Immediate Review." A certificate of immediate review was filed on June 9. It states that Bailey's motion to admit polygraph evidence was denied "by orders dated March 27, 1997 and May 29, 1997."

The merits of Bailey's application cannot be reached because the trial court did not properly authorize review under OCGA § 5-6-34 (b). It did not set aside and re-enter the same order, as was held proper in Cambron v. Canal Ins. Co., 246 Ga. 147-149 (1) (269 SE2d 426) (1980). Instead, the court entered a second order which did not affect the validity of the original order but which instead purported to allow Bailey ten days from the actual receipt of the original order to submit a certificate of immediate review

for the court's consideration. But just as a lack of notice to the parties cannot serve to extend the time for a party to file a notice of appeal even after Cambron, see Atlantic-Canadian Corp. v. Hammer, Siler, George Assoc., Inc., 167 Ga. App. 257 (306 SE2d 22) (1983), neither can it serve to increase the time the court is allowed under OCGA § 5-6-34 (b) to act on a request to certify a non-final order for immediate appellate review. See Bowers v. Price, 168 Ga. App. 125 (308 SE2d 420) (1983); see also Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983) (trial court lacks authority to extend time allowed for filing a discretionary appeal).

The entry of the trial court's certificate of immediate review is thus untimely and ineffective to authorize Bailey's application for interlocutory appeal from the order entered on March 28. Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). The order of May 29 is not an appealable order in its own right.

Bailey's application for interlocutory appeal is therefore dismissed for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 21 1997**

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 14 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0384

LINDA PUGH V. JAMES L. CHAPPIUS, M.D. D/B/A ATLANTA ORTHOPEDIC GROUP
ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96043

96VS0114283G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 14 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0406
WILLIE F. MCGHEE V. LETOSHA S. WILLIAMS

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90045

95VS104198E

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 4 1997

*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.*

William R. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

JUL 15 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0407. CRAWFORD & COMPANY v. HERRADA

On July 2, 1997, Crawford & Company ("the applicant") filed this application for interlocutory appeal of the trial court's June 4, 1997 order granting Jesus Herrada and his co-plaintiffs a new trial. The applicant did not obtain a certificate of immediate review of that order as required by OCGA § 5-6-34 (b). Because the applicant has not complied with the interlocutory appeal procedure, this Court lacks jurisdiction to consider the application. Wieland v. Wieland, 216 Ga. App. 417 (454 SE2d 613) (1995). Accordingly, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 15 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 29, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0408

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY V. JULIA THORNTON, AS
MOTHER AND NEXT FRIEND OF EMMANUEL SPANN, A MINOR

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98045

E49604

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 29 1997**

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 29, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0409
JAMIN ARIEL RAHANN DAVIS V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92046

97B4682Q

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 29 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUL 15 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0410 Henderson v. Justice

Gordon Scott Henderson filed this application for interlocutory review. OCGA § 5-6-34 (b) provides that an interlocutory application must contain a certificate of immediate review within ten day of entry of the order appealed and the application must be filed within ten days after such certificate is granted. In this case the order appealed was entered on June 12, 1997, the certificate of immediate review was entered on June 19, 1997, and the application was filed on July 8, 1997.

Henderson's failure to file his application within ten days of the entry of the certificate of immediate review deprives this Court of jurisdiction over this appeal. Accordingly, this appeal is ordered DISMISSED

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 15 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 29, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0411

JOSEPH M. MURPHY V. THOMAS K. MCCAUGHEY

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94046

88RCCV714

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 05 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0412

CHARLES PATRICK ET AL V. WILLIAM D. ROSSITER

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97046

931260M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 5 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 29 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0413

KOLCRAFT ENTERPRISES, INC. V. CANDICE DAWN SCHRADER ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96046

96VS0117247G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 29 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 08 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0414
ELLEN GAIL CLARK V. TRACY A. DAVIS

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90046

272974

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 8 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0429
MICHELLE BRYANT MCCLELLAND V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97048

97R041

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -6 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, AUG 19 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0432. Golden Isles Financial Holdings, Inc. v. E. Ralph Bufkin

This application for interlocutory appeal seeks review of the trial court's order denying Golden Isles Financial Holdings, Inc.'s motion for summary judgment which order was entered on July 8, 1997. Although Golden Isles obtained a certificate of immediate review from the trial court's July 8 order, it did not do so within ten days of entry of the trial court's July 8, 1997 order. The certificate of immediate review reflects a handwritten notation that it was entered by the court on July 21, 1997. The certificate was not stamped "filed" by the clerk's office until July 22, 1997. Although OCGA § 9-11-5 does provide that a judge may permit papers to be filed with him or her, it is unnecessary to determine whether the handwritten notation is sufficient to satisfy the filing requirement because July 21 is more than ten days after July 8, and therefore, the certificate is untimely in all events.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v. Stanco, 130 Ga. App. 687

(204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra.

In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's July 8, 1997 order, and therefore, it is untimely. Accordingly, this application is DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 19 1997

*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.*

William R. Martine

Clerk.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v. THOMPSON et al. Bi-165

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v.
THOMPSON et al.

Bi-165

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v. Bi-165
THOMPSON et al.

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v. THOMPSON et al. Bi-165

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v. Bi-165
THOMPSON et al.

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v. Bi-165
THOMPSON et al.

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v.
 THOMPSON et al.

Bi-165

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

CLERK'S OFFICE
COURT OF APPEALS OF GEORGIA
334 STATE JUDICIAL BUILDING
ATLANTA, GEORGIA 30334
(404) 656-3450

APPEAL SUMMARY PAGE

CASE NUMBER: A95A2465 DATE OF DOCKETING ~~07-28-95~~ **APR 11 1997**

STYLE: INTEGON GENERAL INSURANCE CORPORATION V. SHEILA ANN THOMPSON, ET AL
TRIAL JUDGE: HONORABLE ARTHUR FUDGER

LOWER COURT SUMMARY INFORMATION:

POLK County SUPERIOR COURT

DATE OF JUDGMENT APPEALED: 06-29-95 NOTICE OF APPEAL DATE: 07-12-95

LOWER CT#: 93CV872

RECORDS DESCRIPTION:

PARTS:

RECORDS

01

TRANSCRIPTS

00

JUL/97

W

**SECOND DIVISION
BIRDSONG, P. J.,
JOHNSON and SMITH, JJ.**

**NOTICE: MOTIONS FOR RECONSIDERATION MUST
BE RECEIVED IN OUR CLERK'S OFFICE WITHIN TEN
DAYS OF THE DATE OF DECISION to be deemed
timely filed. (Court of Appeals Rules 4 and 37,
January 1, 1995)**

June 19, 1997

In the Court of Appeals of Georgia

A95A2465. INTEGON GENERAL INSURANCE CORPORATION v.
THOMPSON et al.

Bi-165

BIRDSONG, Presiding Judge.

In Duncan v. Integon General Insurance Corp., 267 Ga. 646 (482 SE2d 325), the Supreme Court reversed the judgment of this court in Integon General Ins. Co. v. Thompson, 220 Ga. App. 631 (469 SE2d 346). Therefore, our judgment in this appeal is vacated and the judgment of the Supreme Court is made the judgment of this court. Accordingly, the judgment of the trial court is affirmed.

Judgment affirmed. Johnson and Smith, JJ., concur.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 20 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97D0271

GEORGIA PORCH & PATIO ET AL V. STEVEN C. MAYABB

Upon consideration of the Application for a Discretionary Appeal, it is ordered that it be hereby DENIED.

98030

440-72-5989 9716977

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 20 1997

*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.



SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C1220

Atlanta, September 18, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

GEORGIA PORCH AND PATIO et al. V. STEVEN C. MAYABB

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

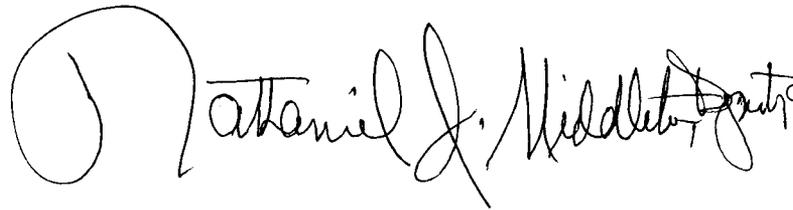
A97D0271
Bill of Costs, \$80.00

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta October 28, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 Clerk.

Case No. A97D0271
Court of Appeals of Georgia

Filed in office
on:

OCT 28 1997

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 29, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97D0359
JUDITH WHITMIRE HURT V. STATE OF GEORGIA

Upon consideration of the Application for a Discretionary Appeal, it is ordered that it be hereby DENIED.

99040

95CR13W

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 29 1997

*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.*

William L. Martin

Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C1564

Atlanta, October 31, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JUDITH WHITMIRE HURT V. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

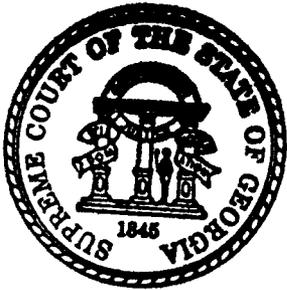
A97D0359
Bill of Costs, \$80.00

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta December 1, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court here to affixed the day and year last above written.



Tammie J. Middlebrooks

RECEIVED IN OFFICE
1997 DEC -2 11:10
CLERK OF SUPREME COURT
CLERK OF COURT OF APPEALS

Case No. A97D0359
Court of Appeals of Georgia

Filed in office
on:

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

1997 DEC -2 AM 11:10

RECEIVED IN OFFICE

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C1131

Atlanta, September 4, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

LEVELL PETERKIN V. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ is dismissed.

All the Justices concur.

A97D0260
Bill of Costs, \$80.00

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta September 25, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.



Thomas J. Middleton, Deputy Clerk.

Case No. A97D0260
Court of Appeals of Georgia

Filed in office on: **SEP 25 1997** Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C1168

Atlanta, September 4, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

OSBORNE BONDING AND SURETY COMPANY et al. v. STATE OF GEORGIA

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A97D0274
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta September 25, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Nathaniel J. Middleton, Deputy Clerk.

Case No. A97D0274
Court of Appeals of Georgia

Remittitur from the Supreme Court.

Filed in office on: Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 01, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97D0260

LEVELL PETERKIN V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

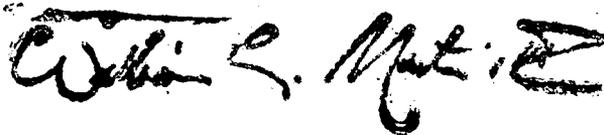
99-029
95CR44214 EF355591

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

APR - 1 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 14, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0305
RICHARD M. MCDONALD V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

99034

CRR95E056

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 14 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 09 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0303

PUBLIX SUPER MARKETS, INC. ET AL V. MARGARET PATRICK ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96034

96130505

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 9 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 02 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0302

TIMOTHY ROYAL V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

97034

97CR1234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY -2 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 07 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0300
JAMES PATRICK ROTELLA V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94034

9595445 9595446

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 7 1997

*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.*

William R. Martin Clerk.

Court of Appeals of the State of Georgia

ATLANTA, January 22, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0198. MILLS v. MILLS.

This application for interlocutory appeal seeks review of the trial court's ruling that it has jurisdiction over this child custody action under the Uniform Child Custody Jurisdiction Act. The trial court's order was entered on December 23, 1996, but the certificate of immediate review was not entered until January 3, 1997, eleven days after entry of the order.

However, under OCGA § 5-6-34 (a), a certificate of immediate review must be filed within 10 days after entry of the order appealed from. "[T]he certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to await a final judgment in the case before he can obtain review of interlocutory judgments entered in the trial court." Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973).

In the instant case, inasmuch as the certificate of immediate review was not filed within the requisite time period, the application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 22 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 03 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0200

MAGNOLIA COURT APARTMENTS V. CITY OF ATLANTA ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92023

E38136

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **FEB 03 1997**

*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.*

William L. Marti

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 10 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0201

CLYDE V. TANNER V. SATILLA HEALTH SERVICES, INC.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94023

95V702

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 10 1997

*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.



**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 19 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0204

BRIGHTON CUSTOM HOMES LTD., ET AL V. RICK A. GORDON ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96023

62580P

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 19 1997

*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.*

William R. Marti

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0245
THE FOURTH QUARTER, INC. V. FRANK E. BALCOM

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92028

I951558F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 4 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 01, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A97I0246

BRUCE ERIC HALL V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-028
96CR37411

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 1 1997

*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.*

William R. McIntire

Clerk.

Court of Appeals of the State of Georgia

ATLANTA,

MAR 11 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0246. HALL V. THE STATE.

This application for interlocutory appeal seeks review of the trial court's order denying Bruce Eric Hall's motion for reconsideration of the trial court's decision not to appoint new trial counsel to represent Hall in connection with his motion for new trial. The order denying Hall's motion for reconsideration was entered on January 22, 1997. Although Hall obtained a certificate of immediate review from the trial court's January 22 order, it was not entered until February 6, 1997, more than ten days after entry of the interlocutory order sought to be appealed.

A certificate of immediate review is ineffective unless it is filed within ten days of the entry of the order or judgment sought to be appealed. OCGA § 5-6-34 (b); Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973); Van Schallern v Stanco, 130 Ga. App. 687 (204 SE2d 317) (1974). If the certificate of immediate review is not entered within the ten day period, it is untimely, and the party seeking review must wait until the final judgment in the case to seek review of the interlocutory order. Turner, supra.

In this case, the certificate of immediate review was not filed within ten days of the entry of the trial court's January 22,

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 17, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0247
SUSAN NELL FLEMING V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94028

00797J51AB 00797J50AB

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 17 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, MAR -7 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0249. ROBINSON v. THE STATE

On February 21, 1997, this court issued an order directing the the applicant in the above styled case "to supplement the application with a stamped 'filed' copy of the order [appealed] instanter." The order further advised that "[i]f applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed." Since applicant has failed to supply a proper copy of the order complained of as directed, his application is DISMISSED for failure to comply with an order of the Court. Rule 7 of the Rules of the Court of Appeals.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0250
JOE HEYWARD, JR. V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96028

96R023

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -6 1997

*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.

William R. Matz

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0251

J.S. SIMS D/B/A H&S WHOLESALE MOTORS V. GEORGIA STATE BOARD OF
REGISTRATION FOR USED MOTOR VEHICLES DEALERS ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99028

96VS55314M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 4 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 20 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0252

ROBERT M. BOZZONE ET AL V. ALLEN SERVICE COMPANY, CORPORATION, A
GEORGIA CORPORATION, CONDUCTING THE BUSINESS UNDER THE TRADE NAME OF
ALL PHASE LANDSCAPING

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98028

96VS0108583A 96VS0112247B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 20 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 07 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0255

UNITED STATES FIRE INSURANCE COMPANY ET AL V. LISA BROWN, INDIVIDUALLY
AND AS SURVIVING SPOUSE AND AS ADMINISTRATRIX OF THE ESTATE OF KIPLEY
ALLEN BROWN, DECEASED

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94029

951302F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -7 1997

*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.*

William L. Martini

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 4, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0256. BOLTON v. THE STATE.

This application for interlocutory appeal seeks review of the denial of a plea in bar based on the statute of limitations. However, it appears that the application must be dismissed because of the failure to comply with the requisite interlocutory appeal procedures set forth in OCGA § 5-6-34 (b).

Willie Bolton was charged with the offense of simple assault, in an accusation filed on September 28, 1995. Bolton filed a plea in bar seeking to dismiss the accusation based on the statute of limitations having run on the offense. The trial court denied Bolton's plea in bar on January 30, 1997, and certified that ruling for immediate review on February 18, 1997, nunc pro tunc.

However, under OCGA § 5-6-34 (b), a certificate of immediate review must be filed within 10 days of the order for which an appeal is sought. "A nunc pro tunc entry of a certificate of immediate review cannot revive a right of appeal which has expired. [Cit.]" Whitlock v. State, 124 Ga. App. 599, 601 (185 SE2d 90) (1971). Because the certificate of immediate review was not filed within 10 days of the order denying the plea in bar, Bolton will have to wait until entry of the final judgment to appeal the order. Turner v. Harper, 231 Ga. 175 (200 SE2d 748) (1973). Accordingly, this application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -4 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 12 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0216
PREMIER CONTRACTORS, INC. V. DARBY JOHNSON ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90024

96A20276

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 12 1997

*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.*

William E. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 19 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0217

BELL SOUTH TELECOMMUNICATIONS, INC. V. BETRICE WIDNER ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99024

95V114

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 19 1997

*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.*

William L. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0218
LARRY SMITH V. JOANNE MERRITT

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98024

1960665F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 24 1997

*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.*

[Signature] Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 11 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0219
IN THE INTEREST OF; O.D.S., A CHILD

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92025

966278M

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 11 1997*

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 25 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0220

SYED J. KHADIR V. CODESOFT INTERNATIONAL, INC. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93025

E41859

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 25 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 03 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0221
JASON A. LEWIS V. RICHARD BOWERS & CO.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94025

95V1462

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -3 1997

*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.

William L. Martine

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C0957

Atlanta, May 30, 1997

The Honorable Supreme Court met pursuant to adjournment.

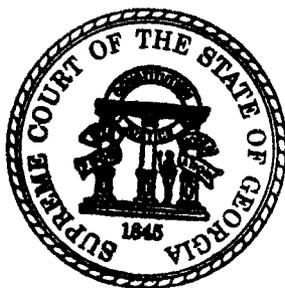
The following order was passed:

HAL M. SMITH, JR. V. W. S. STUCKEY et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A97I0222 95V3894
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta June 25, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Nathaniel J. Middleton, Deputy Clerk.

Case No. A97I0222
Court of Appeals of Georgia

Filed in office
on:

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 03 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0222

HAL M. SMITH, JR. V. W.S. STUCKEY, JR. ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96025

95V3894

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR -3 1997

*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.*

William R. Martin

Clerk.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: March 19, 1997

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S97C0957**

HAL M. SMITH, JR. V. W. S. STUCKEY et al.

Clerk, Supreme Court of Georgia

By: _____

Case No. A97I0222

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 11 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0224
IN THE INTEREST OF: L.J.M. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99025

965315 965316

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 11 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0225
RESTAURANT MANAGEMENT SERVICES, INC. D/B/A CAPTAIN D'S SEAFOOD
RESTAURANT V. MAE WILLIE GREEN

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98025

96CVRCCV270

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB 24 1997

*I certify that the above is a true extr
the minutes of the Court of Appeals of*

*Witness my signature and th
hereto affixed the day and ye*

William L. Mau

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0226

T M A Q INVESTORS, INC. D/B/A AUGUSTA CATALOG SALES ET AL V. GEORGIA
CATALOG SALES, INC. ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92026

CV961249FR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -6 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0227
JAUNITA C. DOVER V. GEORGIA B. DOVER

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

93026

96VS0114030D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR -4 1997

*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.*

William E. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 03 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0228

ZURICH AMERICAN INSURANCE COMPANY V. JUNE T. DICKS

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94026

E23675

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR - 03 1997

*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.*

William R. Martin Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C0931

Atlanta, May 30, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

LARRY COKER et al. v. KEVIN PENTECOST et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A97I0229
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta June 25, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Clerk.

Case No. A97I0229
Court of Appeals of Georgia

Filed in office
on:

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0229

LARRY COKER ET AL V. KEVIN PENTECOST ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91026

96CV149J

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 24 1997

*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.*

William L. McIntire

Clerk.

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-347

Docketing Date: March 17, 1997

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S97C0931**

LARRY COKER et al. v. KEVIN PENTECOST et al.

Clerk, Supreme Court of Georgia

By: _____

Case No. A97I0229

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0211

KAPLAN-WALKER INSURANCE SERVICES, INC. ET AL V. KUO L. LEE ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91024

95CV6957

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 24 1997

*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.*

William L. Martin

Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C0905

Atlanta, May 30, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JOHN LEWIS ALDER et al. v. DOREEN BORA et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A97I0213
Bill of Costs, \$80.00

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta June 25, 1997



I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Nathaniel J. Middleberry Clerk.

Case No. A97I0213
Court of Appeals of Georgia

Filed in office
on:

Remittitur from the Supreme Court.
Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 17 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0213

JOHN LEWIS ALDER, INDIVIDUALLY AND TRUSTEE FOR THE ESTATE OF RALPH
ALDER V. DOREEN BORA ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96024

9627631

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 17 1997

*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.*

William L. Martine

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 10 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0212
KATHY JEAN HARALSON V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97024

96C58919

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 10 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 10 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0214

GARY KAUFMAN, INDIVIDUALLY AND AS THE EXECUTOR OF THE ESTATE OF AMY
KAUFMAN, DECEASED V. JANSSEN PHARMACEUTICA, INC.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97025

95VS95077E

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 10 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, FEBRUARY 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0215

AMERICAN CENTRAL INSURANCE COMPANY ET AL V. KUO L. LEE ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91025

95CV6957

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 24 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, MAR 18 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A9710258. BUTTS COUNTY BOARD OF TAX ASSESSORS v. VAUGHN

On February 27, 1997, the Butts County Board of Tax Assessors ("the Board") filed this application for interlocutory appeal seeking review of the superior court's February 3, 1997 order. Although the Board obtained a certificate of immediate review from the trial court on February 13, 1997, the Board did not file or enter the order with the clerk of the trial court until February 17, 1997.

Pursuant to OCGA § 5-6-34 (b), a certificate of immediate review must be obtained within 10 days after the entry of the order appealed. Moreover, "the certificate must be filed with the clerk of the trial court or 'entered' within the ten-day period in order to secure immediate review of a non-final judgment; and if the certificate is not entered within the ten-day period, then the party seeking review will merely have to wait a final judgment in the case before he can seek a review of interlocutory judgments entered in the trial court." Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Because the certificate of immediate review in this case was not timely filed, this Court lacks jurisdiction to consider the application. Accordingly, the application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 18 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 21, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0259
TERRY ALLEN V. FUJITSU PERSONAL SYSTEMS, INC.

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90029

9622525

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 21 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 17, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0260

MICHAEL F.P. MALONEY ET AL V. VIC GEORGEFF

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

99029

E41688

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 17 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 18 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0261

SOUTHERN CLEANING SERVICES, INC. V. CHRISTOPHER A. HUTCHESON

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98029

96V755

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 18 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 27 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0262
MARI K. LANE V. MICHAEL A. REED

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92030

92CV1491

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 27 1997

*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.*

William L. Mat... [Signature]

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 27 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0264

NORMAN L. AUSTIN ET AL V. ANDREW J. MAYES ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94030

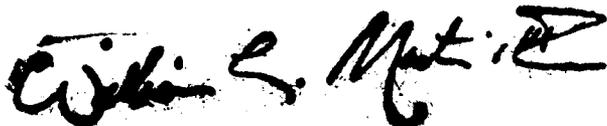
95VS0101722

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 27 1997

*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.

Court of Appeals of the State of Georgia

ATLANTA, MAR 21 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

**A9710265. RATHEL et al. v. THE INDEPENDENT LIFE AND ACCIDENT
INSURANCE COMPANY et al.**

This application for interlocutory appeal seeks review of the denial of the plaintiffs' motion to disqualify the defendants' counsel. However, it appears that the application is untimely.

The trial court granted a certificate of immediate review on February 28, 1997, and the application was filed with this Court on March 11, 1997. Under OCGA § 5-6-34 (b), an application for interlocutory appeal must be filed within 10 days of the grant of the certificate of immediate review. Graves v. Dean, 166 Ga. App. 186 (303 SE2d 751) (1983). In the instant case, the deadline for filing an application was March 10, 1997, and the plaintiffs thus filed this application one day late. Accordingly, the application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 21 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 25 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0267

BLUEPRINT DEVELOPMENT, INC. ET AL V. SHERRON C. LEE ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96030

CV960468MO

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 25 1997

*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.*

William R. Martin

Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S97C1192

Atlanta, September 4, 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

BRIAN EUGENE WARD V. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur, except Sears and Carley, JJ., who dissent.

A97I0266
Bill of Costs, \$80.00

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta September 25, 1997

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.



Nathaniel J. Middleton, Deputy Clerk.

Case No. A97I0266
Court of Appeals of Georgia

Remittitur from the Supreme Court.

Filed in office
on: _____ Clerk, Court of Appeals of Georgia.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 20 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0266
BRIAN EUGENE WARD V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97030

96CR220

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 20 1997**

*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.

William R. Martin

CLERK'S OFFICE
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: April 15, 1997

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S97C1192**

BRIAN EUGENE WARD V. THE STATE

Clerk, Supreme Court of Georgia

By: _____

Case No. A97I0266

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

Court of Appeals of the State of Georgia

ATLANTA,

MAR 25 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

**A97I0269. DAIRYLAND INSURANCE COMPANY v. STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY.**

The parties to this application were both served with a copy of a complaint filed by a passenger involved in a hit and run accident. Applicant is the insurer for the driver of the vehicle in which the plaintiff was riding and respondent is the plaintiff's insurer. Both driver and passenger had uninsured motorist coverage at the time of the accident. Applicant cross claimed against respondent on the theory that respondent provided the primary coverage for the accident. Respondent moved for summary judgment based on plaintiff's failure to give timely notice of a claim. The motion was granted, and it is from this order that applicant seeks an interlocutory appeal.

By its express terms, an appeal taken under OCGA § 5-6-34 (b) is appropriate only where the order complained of is not otherwise subject to direct appeal. An order granting summary judgment, however, is directly appealable regardless of whether it constitutes the final judgment in the case. OCGA § 9-11-56 (h). Therefore the only means by which such an order may be properly appealed is by notice of direct appeal filed within 30 days of its

entry. Accordingly, since applicant's petition for appeal is neither necessary nor appropriate under the circumstances, it is hereby dismissed. See Artis v. Gaither, 199 Ga. App. 114 (404 SE2d 322) (1991).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 25 1997

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.

William L. Martini

Court of Appeals of the State of Georgia

ATLANTA,

MAR 24 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0270. JACKSON V. STONE ET AL.

Applicant William F. Jackson has filed this application for interlocutory appeal seeking review of the trial court's order granting George Reed's motion for summary judgment. This lawsuit arises out of an accident between Jackson and Pamela L. Stone. At the time of the accident, Stone was driving a vehicle owned by Reed, her stepfather. Reed filed a motion for summary judgment claiming that the family purpose doctrine did not apply, and therefore, he was entitled to judgment as a matter of law. The trial court entered its order granting Reed's motion on February 27, 1997. The trial court certified its February 27 order for immediate review by a certificate entered on March 6, 1997.

An order granting summary judgment on any issue or as to any party is directly appealable. OCGA § 9-11-56 (h); Whiddon v. Stargell, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Moreover, the interlocutory appeal procedures are applicable only to those orders, decisions and judgments that are not otherwise subject to direct appeal. Artis v. Gaither, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Accordingly, the order granting Reed's motion for summary judgment is directly appealable, and this application for

interlocutory appeal is DISMISSED. However, because the order granting Reed's motion for summary judgment was entered on February 27, 1997, Jackson has thirty days from that date, or through March 31, 1997 since the thirtieth day falls on a Saturday, in which to initiate a direct appeal by filing a notice of appeal.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

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.

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MARCH 25 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0271
K-MART CORPORATION V. HEDWIG K. ROSECKI

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

92031

951632922

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 25 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 01 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0272
JAMES BERNARD SIMMONS V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93031

95R194

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 1 1997

*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.

Court of Appeals of the State of Georgia

ATLANTA, APR 01 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0273. P & B REALTY V. GOLDWIRE

P & B Realty, Inc. d/b/a Sentry Self-Service Storage ("P & B") filed this application seeking interlocutory review of the trial court's February 26, 1997 order denying its motion for summary judgment. P & B timely obtained and filed a certificate of immediate review on March 5, 1997. However, because P & B did not file its application with this Court within 10 days of the entry of the certificate of immediate review (March 15, 1997), the application is untimely and must be dismissed.

On March 18, 1997, this Court received via certified mail P & B's application. The application did not contain payment of costs or a sufficient pauper's affidavit pursuant to Rule 5 of the Rules of the Court of Appeals. Had the application included payment of costs, it would have been deemed filed as of March 14, 1997 when it was deposited in the U.S. Postal Service certified mail. Rules 4 and 5. However, payment of costs was mailed on March 18, 1997 via U.S. Postal Service express mail and received by this Court on March 19, 1997. Therefore, the application was deemed filed as of March 19, 1997. Rule 5. The application was filed four days late

and is, therefore, untimely.

The proper and timely filing of an application is an absolute prerequisite to confer jurisdiction upon this Court to consider an interlocutory order. OCGA § 5-6-34 (b); Pace Construction Corp. v. Northpark Associates, 215 Ga. App. 438 (450 SE2d 828) (1994). Since P & B has not complied with the interlocutory appeal procedure, this appeal is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 8 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 15, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0274

JEFFORD M. FARMER ET AL V. SYLVIA WAYMOND, INDIVIDUALLY AS SOLE
SURVIVING PARENT, AND AS ADMINISTRATRIX OF THE ESTATE OF DAVID
WAYMOND, JR. DECEASED

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

91031

95CV190

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 15 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 03 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0276

CONFIDENTIAL SECURITY AGENCY ET AL V. JAMES COPELAND

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

96031

96V60114469

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR - 3 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JUNE 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0331
YOLANDA GORDON V. GREGORY JAUDON

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

90037

9700544

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 4 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 22 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0332
CASE CORPORATION ET AL V. JEFF HAND

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

99037

96VS111298G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 22 1997

*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.

William L. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 29, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0333

CONNECTICUT GENERAL LIFE INSURANCE COMPANY V. NANCY M. HUNT ET AL

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98037

E20623

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 29 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA,

MAY 27 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0330. THOMSON MOTOR CENTER, INC. v. PHILLIPS

Defendant Thomson Motor Center, Inc., seeks an interlocutory appeal from the order of the trial court granting partial summary judgment in favor of plaintiff James E. Phillips "as to all defenses and claims which may arise from the rejection of a timely (and reasonable) offer of relief pursuant to OCGA § 10-1-399...." An order granting partial summary judgment, however, is directly appealable under OCGA § 9-11-56 (h). An application for interlocutory appeal is appropriate only where the judgment complained of is not final and is not otherwise subject to direct appeal. OCGA § 5-6-34 (b); Artis v. Gaither, 199 Ga. App. 114-115 (404 SE2d 322) (1991).

Since the materials included in defendant's application suggest no basis for treating the judgment complained of as anything other than a directly appealable grant of partial summary judgment, the above styled application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 27 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, MAY 29 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0327
MARY HENRIETTA BRUCE V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94037

0060928 0060927 0060926

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 29 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 24 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0388
PIGGLY WIGGLY OF ELLIJAY, INC. V. MAVIS ANN CASEY

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

98043

96CV294

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 24 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 18, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0389. PATSY WATERS et al. v. CITY OF GAINESVILLE, GEORGIA.

Patsy and Gina Waters filed this application seeking interlocutory review of the trial court's order granting the City of Gainesville's motion for partial summary judgment "as to damages sustained before September 27, 1995 and after March 29, 1996" and dismissing Gina Waters as a party plaintiff. Because the applicants have not followed the appropriate procedure in bringing this appeal, this Court lacks jurisdiction to consider it.

"An order granting summary judgment on any issue or as to any party is, of course, subject to review by direct appeal." Jarallah v. Aetna Casualty & Surety Co., 199 Ga. App. 592, 593 (405 SE2d 510) (1991); OCGA § 9-11-56 (h). To preserve the right to bring a direct appeal, an appellant must timely file a notice of appeal in the trial court. Woodall v. Woodall, 248 Ga. 172 (281 SE2d 619) (1981). The interlocutory appeal procedure "is applicable only to those orders, decisions, and judgments which are 'not otherwise subject to direct appeal' (OCGA § 5-6-34(b))." Artis v. Gaither, 199 Ga. App. 114, 115 (404 SE2d 322) (1991). Thus, the filing of an application for interlocutory appeal will not confer jurisdiction upon this Court to entertain a direct appeal. Id. Since the

decisions applicants seek to appeal are subject to review by direct appeal, the interlocutory appeal procedure is not applicable.

Accordingly, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 18 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0392

PETER A. SMITH V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91044

97T0352

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0393
DAVID W. INGLESON V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91045

97I1341

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 10 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0394
WESLEY E. DOCKERY V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91046

96T5361

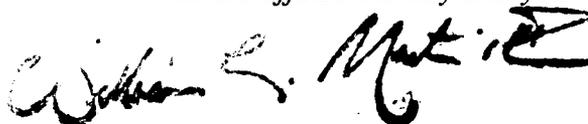
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 1997

*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.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 10 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0395
DAVID W. INGLESON V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91047

97I1033

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 10, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0396
TERRI BROWN PETERSON V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

91048

96T5693

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 10 1997

*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.

William R. Mat... [Signature]

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 22 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0399

D. ANDREW EASON ET AL V. BANNISTER ELECTRIC CO. INC.

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

90044

96CV495

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 22 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 25, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0400
JOSEPH GRACYALNY V. ALLSTATE INSURANCE COMPANY

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DISMISSED.

98044

SC96CV1025

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **JUL 25 1997**

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 30 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0401
CHRISTOPHER M. WILDER ET AL V. LINDA M. SAMUEL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92045

93CV0026S

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 30 1997

*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.

William R. Martin

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 25, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0402

THE ESTATE OF GEORGE D. FLEMING V. THE ESTATE OF FRANCES FLEMING

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

93045

951021

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 25 1997

*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.*

William L. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, JULY 16 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0403
JAMES F. ZIPPERER V. THE STATE

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

94045

R96B233

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 16 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0405

KENAN TRANSPORT COMPANY V. BUDDY NESMITH OIL COMPANY INC.

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96045

E35620

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 6 1997

*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.*

William R. M... E

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, APRIL 08 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0275

MICHAEL D. RANKIN, M.D. ET AL V. M A G MUTUAL INSURANCE COMPANY

Upon consideration of the Application for a Interlocutory Appeal, it is ordered that it be hereby DENIED.

97031

E53343

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR -8 1997

*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.*

William R. Martin

Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 06 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0417

THE SOUTH GEORGIA REGIONAL DEVELOPMENT CENTER ET AL V. COMMUNITY
NATIONAL BANK

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

92047

95CV924

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -6 1997

*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.*

William R. Martin

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 5, 1997

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A97I0418. COLUMBUS, GEORGIA v. BARNGROVER ET AL

On July 15, 1997, the City of Columbus, Georgia filed this application for interlocutory review of the trial court's June 26, 1997 order denying its motion for summary judgment. A certificate of immediate review was timely filed with the trial court on July 2, 1997. However, because the city did not file its application with this Court within 10 days of the entry of that certificate, the application is untimely. OCGA § 5-6-34 (b). The proper and timely filing of an application is an absolute prerequisite to confer jurisdiction upon this Court to consider an interlocutory appeal. Pace Construction Corp. v. Northpark Associates, 215 Ga. App. 438 (450 SE2d 828) (1994). Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -5 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 12 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0420

ROBERT WIGGINTON D/B/A WIGGINTON ENTERPRISES V. CANDICE J. WIMBERLEY

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

98048

96A247303

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 12 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 04 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0422

ISS INTERNATIONAL SERVICE SYSTEM, INC V. JERALD N. WIDMER

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94047

96VS114316C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG - 4 1997

*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 4th day of August 1997.*

William R. [Signature]
Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 05 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0423

BRENDA SELLERS, INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN OF
TABEITHA SELLERS, A MINOR CHILD V. CITY OF FOREST PARK, A MUNICIPAL
CORPORATION ET AL

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

97047

96CV5958

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -5 1997

*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.*

William R. Martin Clerk.

**Court of Appeals
of the State of Georgia**

ATLANTA, AUGUST 18 , 1997

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A97I0424

CARROL MITCHELL JOHNSON ET AL V. THE STATE

Upon consideration of the Application for a Interlocutory
Appeal, it is ordered that it be hereby DENIED.

96047

96CR56935

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 18 1997

*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.*

William R. Martin

Clerk.