

# 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. Martie*

*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 L. 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

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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. 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. Martineau* 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 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 L. 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*

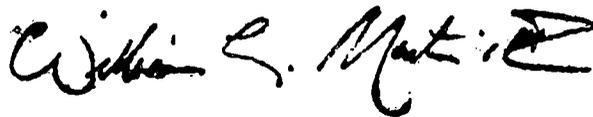
*Clerk's Office, Atlanta*

**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.



**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 S. 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 L. Matlock* 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

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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 S. Mat: E*

Clerk.

# 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:*

**A97D0443. EDDIE B. SMITH D/B/A EDDIE'S WRECKER SERVICE v. STEVEN BRANTLEY.**

This application for discretionary appeal seeks review of a superior court order remanding a workers' compensation appeal to the State Board of Workers' Compensation. However, the application is untimely.

Under OCGA § 5-6-35 (d), an application for discretionary appeal must be filed within 30 days after entry of the appealable judgment, and that time requirement is jurisdictional. Hogan v. Taylor County Bd. of Education, 157 Ga. App. 680 (278 SE2d 106) (1981). In the instant case, the superior court entered its order on June 13, 1997, and the deadline for seeking discretionary appeal of that order was July 14, 1997. This application was filed on July 15, 1997, one day late.

The failure to comply with that requisite discretionary procedure deprives this Court of the jurisdiction to consider this matter, and the application is hereby dismissed.

*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.*

*Will. Z. Mat. 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. A97D0433

DON BRAXLEY ET AL V. LEE WALL PENNINGTON ET AL

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

98048

93CV30426C

*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 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*

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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 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        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. Moore*  
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, APRIL 21, 1997

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

APPLICATION NO. A97D0309  
SALLY MARTIN PATSIOS V. THE STATE

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

93036

96CR02193

*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, APRIL 21, 1997

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

APPLICATION NO. A97D0308  
JAMES GEORGE PATSIOS V. THE STATE

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

93035

96CR02192

*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 S. McIntire*

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:*

Case No. A97D0306

KATIE JEAN HALE V. DAVID BRIAN HALE

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

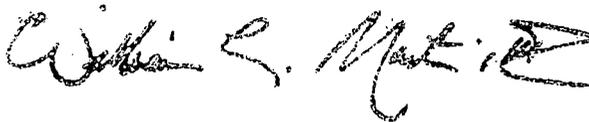
98-034  
CV962268

*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.*



**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. A97D0305  
REDI-FLOOR, INC. V. WHEAT ENTERPRISES, INC ET AL

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

99034

97VX29534H

*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.*

Clerk.



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**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:*

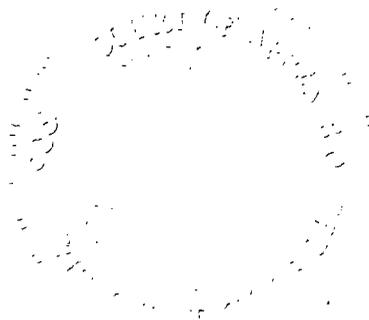
APPLICATION NO. A97D0304

ELLSWORTH L. TALLMAN ET AL V. LARRY TAYLOR ET AL

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

90034

96CV5472



*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, APRIL 09 , 1997

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

APPLICATION NO. A97D0302

OSBORNE BONDING AND SURETY COMPANY EX REL EARL ELY V. THE STATE

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

97034

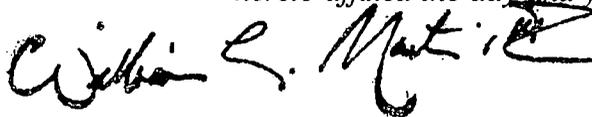
95CR0235

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta APR - 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.*



*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:*

Case No. A97D0301

JOHN KITCHENS V. GEORGIA DEPARTMENT OF TRANSPORTATION

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

91-034  
E53818

*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. Mc* 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. A97D0300  
BEVERLY DUMAS V. CITY OF SAVANNAH ET AL

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

94034

CV961733FR

*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.*

Clerk.



*William R. Martin*

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

ATLANTA,                      SEPTEMBER 11, 1997

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A97I0437

TERRY BRADSHAW ET AL V. THE STATE

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

97-049  
97C60

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta      SEP 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 R. Martin*

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S98C0107

Atlanta, February 20, 1998

The Honorable Supreme Court met pursuant to adjournment.

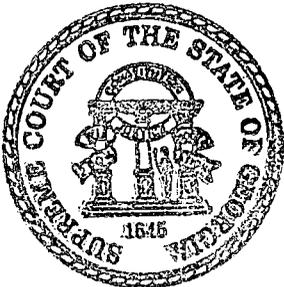
The following order was passed:

TERRY BRADSHAW et al. 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.

A97I0437  
Bill of Costs, \$80.00



**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta March 23, 1998

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. A97I0437  
Court of Appeals of Georgia

**FILED IN OFFICE**  
Filed in office  
on: **MAR 23 1998**

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