

# Court of Appeals of the State of Georgia

ATLANTA, March 31, 2005

*The Court of Appeals hereby passes the following order:*

**A05A1176. GREENWALD et al. v. KERSH et al.**

Appellee First Magnolia Homes, Inc. filed a bankruptcy petition in federal court, and filed a notice of automatic stay in this Court. A judgment entered in violation of an automatic bankruptcy stay is a nullity. See Colden v. State, 244 Ga. App. 793 (2000). But, as explained in this Court's earlier order in this case, the two-term rule precludes staying the appeal in this Court during the pendency of the bankruptcy proceeding.

Accordingly, **as to First Magnolia Homes**, the case is remanded to the trial court, with direction that when the bankruptcy stay is lifted or the bankruptcy proceeding is otherwise resolved, any of the parties may file a new notice of appeal within 30 days.

The automatic stay as to the debtor, First Magnolia Homes, does not require a stay or remand as to the remaining parties. See GMAC v. Yates Motor Co., 159 Ga. App. 215, 217 (2) (1981). Therefore, **as to each of the remaining parties**, the appeal will proceed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      MAR 31 2005

*I certify that the above is a true extract from  
the minutes of 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 Z. Martineau*  
....., Clerk.