

Court of Appeals of the State of Georgia

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ATLANTA,

The Court of Appeals hereby passes the following order:

A02A0246. HOLMES, ET AL. v. ACHOR CENTER, INC.

Appellee, Achor Center, Inc., has filed a motion with this Court requesting permission to cite to documents contained in the record of another related case previously decided by this Court. Appellee argues that these citations are necessary because, in the case now before us, the trial court failed to transmit the entire record. Appellee further argues that this failure, in turn, resulted from disagreements between the parties regarding the inclusion of additional documents in the record other than those originally designated by the appellant.

Appellee's arguments present issues regarding which documents were considered by the Court below and should, as a result, be included in the appellate record. Therefore, this appeal is deemed premature, as questions exist as to the accuracy of the appellate record; accordingly the case is remanded to the trial court for a determination of the issues concerning the record below. The clerk of this Court shall forthwith remove this appeal from the appellate docket, without prejudice to the appellant, and return it to the clerk of the Superior Court of Fulton County. Upon resolution of the issues regarding the record below, the appellant may reinitiate his appeal of this case by the timely re-filing a Notice of Appeal within thirty (30) days of the trial court's order of disposition. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV; OCGA §5-6-48(d).

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,

The Court of Appeals hereby passes the following order:

A03A2037. KIMBERLY STEPHENS v. PATRICIA A. WADE.

Upon consideration of appellant Stephens's combined motion for an extension of time in which to file her enumeration of error and brief and for an extension of time in which to file a request for oral argument, it became apparent that the bases for her requests are her alleged inaccuracies in the appellate record and the transcript of the evidence. As these matters cannot be resolved at the appellate level, however, we must remand the case to the trial court for clarification of the record under OCGA § 5-6-41 (f) and (g).

Accordingly, the Clerk of this court shall forthwith remove this appeal from the appellate docket and, without prejudice to appellant, return it to the trial court. Upon resolution of the issues concerning the record on appeal, and as a matter in aid of our jurisdiction, Stephens may re-initiate her appeal of this case by timely re-filing her notice of appeal within 30 days of the trial court's order concerning the record. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV.

*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, April 24, 2008

The Court of Appeals hereby passes the following order:

A08A1486. STATE FARM v. NELSON, et al.

State Farm filed its notice of appeal, which requested that the clerk omit nothing from the record on appeal and indicated that the transcript of evidence and proceedings would be filed for inclusion in the record on appeal. However, no transcript has been included in the record. State Farm has filed a motion to remand the case to the trial court until the record is prepared and delivered to this Court, which is hereby GRANTED.

It is hereby ordered that the case be remanded to the trial court. It is further ordered that, upon the filing of the transcript of the proceedings in the Superior Court of Forsyth County, the Clerk of the Superior Court of Forsyth County shall transmit the balance of the record and the transcript to this Court for re-docketing in this court.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 24 2008

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

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

Willi L. Mat..., Clerk.