

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 12, 2015

To: Stanley E. Harris, Jr., Esq., Duffy & Feemster, LLC, 30 Wild Thistle Lane, Savannah, Georgia 31406

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A15A1036. Brian J. Bree, et al. v. Farmers & Merchants Bank

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Ms. Holly K.O. Sparrow has retired as Clerk/Court Administrator of the Court of Appeals of Georgia. The new Clerk/Court Administrator is Stephen E. Castlen.**
- Electronic filing is mandatory in this Court. The following Rule 46 became effective January 1, 2015.**

XXII. ELECTRONIC FILING OF DOCUMENTS

Rule 46. Electronic Filing of Documents.

Counsel is required to use the Court's electronic filing system and to follow the policies and procedures governing electronic filing as set forth in the Court's electronic filing instructions. The Clerk of Court may grant a request for exemption from mandatory electronic filing for good cause shown. An adverse decision by the Clerk of Court may be appealed by motion to the Court via a paper filing.

Rule passed October 21, 2014 - effective January 1, 2015

IN THE COURT OF APPEALS
OF THE STATE OF GEORGIA

BRIAN J. BREE and
CYNTHIA D. BREE,
Plaintiffs/Appellants,

v.

FARMERS & MERCHANTS BANK,
Defendant/Appellee

)
)
) Court of Appeals #A15A1036
) Bulloch County Superior Court
) Civil Action No. 1B09CV1432T
)
)

AFFIDAVIT OF STANLEY E. HARRIS, JR.

PERSONALLY APPEARED before the undersigned officer duly authorized to administer oaths, STANLEY E. HARRIS, JR., who upon oath, deposes and says as follows:

1. I am over the age of majority and am laboring under no disability which prohibits me from giving this affidavit. This affidavit is given on my personal knowledge.
2. I am an attorney licensed to practice law in the State of Georgia since 1960, state bar number 331400, and practice law as a sole practitioner.
3. This affidavit is given in support of PLAINTIFFS' MOTION TO DISMISS GMAC MORTGAGE CORPORATION AND BRIEF IN SUPPORT filed February, 2015.
4. Attached is a communication from the trustee for the entity which represents GMAC Mortgage Corporation offering to the Plaintiffs a settlement of their claim against that entity. Also, attached is the transmittal of the acceptance of that offer by affiant. By a conversation with counsel for the trustee on March 4, 2015 he confirmed to affiant that was sufficient to terminate any stay which may affect a third-party. Therefore, a separate document was not necessary.

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2015 MAR 11 PM 3:09
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COURT OF APPEALS