

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

April 28, 2015

To: Mr. Michael King, 2047 Kinridge Court, Marietta, Georgia 30340

Docket Number: **Style:** **Michael King v. Beaully LLC**

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

1. ☐ Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. ☒ **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. ☐ There were an insufficient number of copies of your document. Rule 6
7. ☐ A copy of your filing should be provided to the District Attorney and include his/her name and address on your Certificate of Service.
8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)
11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. ☐ **Other:**

For Additional information, please go to the Court's website at: www.gaappeals.us

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APR 23 2015

CLERK, COURT OF
APPEALS OF GEORGIA

IN THE COURT OF APPEALS
STATE OF GEORGIA

RECEIVED IN OFFICE
2015 APR 23 PM 1:43
CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

MICHAEL KING,

APPELLANT,

vs.

BEAULY LLC.

APPELLEE.

CASE No.

SUPERIOR COURT CIVIL ACTION FILE NO.

14108455-51

NOTICE OF APPEAL
DISCRETIONARY APPLICATION

COMES NOW Appellant Michael King (hereafter Appellant) and pursuant to O.C.G.A. § 5-6-35(a)(2), files this Application for a Discretionary Appeal of the April 16, 2015 Order of the Cobb County Superior Court (hereafter Superior Court Order). The Cobb Superior Court Order pursuant to Superior Court's Order dismissing appeal for Cobb Magistrate Court's Writ of Possession for the premises sought by Beaully LLC. (hereafter Appellee), to wit: 2047 Kinridge CT, Marietta GA – 30062(hereafter the Property) was issued an order to the Cobb County Sheriff and his lawful deputies to execute the Writ of Possession and to deliver possession of the Property to Appellee. (The Superior Court Order is attached hereto as Exhibit A).

The clerk shall omit nothing from the record on appeal.

This court rather than the Supreme Court has jurisdiction of this case on appeal for the reason that this matter is not within the exclusive jurisdiction of the Supreme Court under VI, Section VI, Paragraph 2 of the Constitution of the State of Georgia, 1983; § 5-6-34 (a) (1) entitles the appellant to a direct appeal to the Court of Appeals.

FACTS

1. On April 16, 2015 Cobb County Superior Court issued an Order dismissing Appeal for Cobb Magistrate Court's Writ of Possession Civil Action File No. 14-E-20035.
2. Cobb Magistrate Court's Writ of Possession was a Default Judgment but Appellant was there at the time when the Court was called.

ARGUMENT

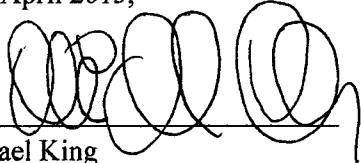
This Honorable Court should grant this Discretionary Application because of the following::

1. Appellant will file a complaint related to the way the Default Judgment was ordered.

CONCLUSION

For the foregoing reasons, the Appellant respectfully requests This Honorable Court to grant its Application and allow Appellant the opportunity to present the important issues raised in this case virtue of an appeal.

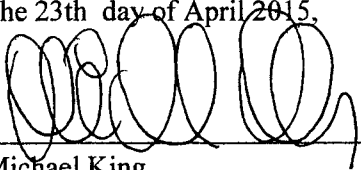
RESPECTFULLY SUBMITTED this the 23th day of April 2015,

By: 
Michael King
2047 Kinridge CT,
Marietta GA – 30062
Phone 404-735-0471

CERTIFICATE OF SERVICE

I certify that I have this day served F Joseph Rushing Jr. with a copy of this Notice of Appeal by mailing first class mail postage prepaid to him at 3105 WASHINGTON RD SUITE C EAST POINT GA 30344.

This the 23th day of April 2015.

By: 

Michael King

Exhibit “ A “

Copy of Superior Court's Order
Order Not available / Not received
Court Order will be sent as soon
as is available or received.

FILED IN OFFICE

APR 23 2015

CLERK, COURT OF
APPEALS OF GEORGIA

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

Michael King

APPELLANT

vs

Beaully LLC

APPELLEE

CASE NUMBER

RECEIVED IN OFFICE
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COURT OF APPEALS OF GEORGIA

PAUPER'S AFFIDAVIT

Comes now Michael King (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file Discretionary Application (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed? ☒ Yes ☐ No

If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: \$ 2,000 per month

Community Legal Center 7130 Buford Hwy Suite A-120 Doraville GA - 30340

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: N/A

2. Have you received within the past twelve months any money from any of the following sources?

Business, profession or form of self-employment?	☒ Yes	☐ No
Pensions, annuities or life insurance payments?	☐ Yes	☒ No
Rent payments, interest or dividends?	☐ Yes	☒ No
Gifts or inheritances?	☐ Yes	☒ No
Any other sources?	☐ Yes	☒ No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: N/A

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) ☒ Yes ☐ No

If the answer is "Yes", state the total value of the items owned: \$ 33.45

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

If the answer is "Yes", describe the property and state its approximate value:

N/A

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

Raquel King - Wife / Samantha King - Daughter

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

(b) A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

I, Michael King, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

This the 23th day of April, 2015.

Michael King

(Your name printed or typed)

(Signature)

(Sign your name.)

2047 Kinridge Ct Marietta GA - 30340

404-734-3044

(Your complete address and telephone number)

Sworn to and subscribed before me

SEAL

this the 23 day of April, 2015.

(Signature) Notary Public

