

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 14, 2015

To: Joseph T. Rhodes, Esq., 429 Walker Street, Upper Level, Augusta, Georgia 30901

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: Steven Montoya v. IDK Homes, Inc., et al.

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 the name of Steven Montoya.**
- 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ . The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

FILED IN OFFICE
OCT 5 2015
COURT CLERK
CLERK COURT OF APPEALS OF GA

Joseph T. Rhodes

Attorney-at-Law
429 Walker St.
Upper Level
Augusta, GA 30901

Phone: 706-722-6200
Fax: 706-722-4817

Email:
Joe.rhodeslaw@gmail.com

October 5, 2015

Clerk of Court
Georgia Court of Appeals
47 Trinity Avenue, Ste. 501
Atlanta, GA 30334

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2015 OCT - 7 PM 3:16
CLERK COURT OF APPEALS OF GA

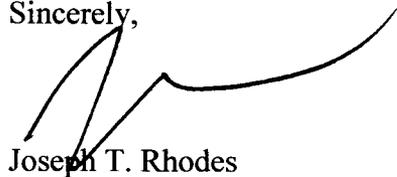
Re: Steven Montoya v. IDK Homes, Inc., et al
Civil Action No.: 2014-CV-0889

Dear Sir/Madam:

Attached please find Plaintiff's Notice of Intent in the above-styled action. I have also attached a copy to be date-stamped and returned to our office in the stamped, self-addressed envelope.

Please let me know if you have any questions.

Sincerely,



Joseph T. Rhodes

JTR/pld

Return
Not No case
Docketed

FILED IN OFFICE

OCT -5 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2015 OCT -7 PM 3:16
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

STEPHEN MONTOYA)
and STEPHANIE MONTOYA,)

Plaintiffs,)

v.)

IDK HOMES, INC. and RONALD)
C. JANELLE, JR. Individually and)
in his capacity as Chief Executive)
Officer of IDK HOMES, INC.)

Defendants.)

CIVIL ACTION FILE NO.:

NOTICE OF INTENT

COME NOW Stephen Montoya and Stephanie Montoya, Appellant in the above appeal and files this Notice of intent to apply for certiorari to the Supreme Court of Georgia.

Dated this 5th day of October, 2015.

JOSEPH T. RHODES
Georgia Bar No.: 309847

429 Walker Street
Upper Level
Augusta, GA 30901
(706) 722-6200

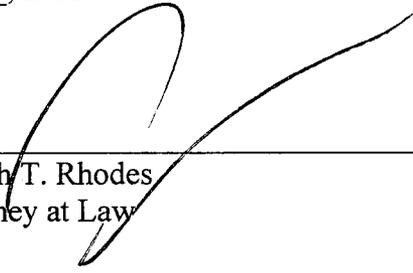
CERTIFICATE OF SERVICE

I, the undersigned hereby certify that I have properly served the foregoing Notice of Intent on the following by depositing same with the U.S. Postal Service with proper postage attached:

Mark A. Cleary
Dunstan, Cleary & West, LLP
1223 George C. Wilson Drive
Augusta, Georgia 30909

Robert W. Hunter III
The Hunter Firm
266 Greene Street
Augusta, Georgia 30901

This 5th day of October, 2015.



Joseph T. Rhodes
Attorney at Law

429 Walker Street
Upper Level
Augusta, GA 30901