

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Defendant(s) Name, Address

NOTICE OF APPEAL

(Check applicable sections.) Notice is hereby given that the [] Plaintiff(s) [] Defendant(s), hereby appeal(s) a judgment entered in the Magistrate Court of _____ County to the [] State Court; [] Superior Court; of _____ County.

[] CIVIL CASES

The judgment of the civil case appealed herein was entered on the ____ day of _____, 200____. (This appeal **MUST BE** filed within **thirty (30) days** of the foregoing date of judgment.)

[] DISPOSSESSORY CASES

The judgment of the dispossessionary case appealed herein was entered on the ____ day of _____, 200____. (This appeal **MUST BE** filed within seven (7) days of the date of judgment set forth above.

APPEALS BY TENANTS B PAST DUE & FUTURE RENT REQUIRED TO BE PAID INTO THE REGISTRY OF THE COURT(S) IN ORDER TO REMAIN IN POSSESSION OF PREMISES:

I/We [] have; [] have not; paid into the registry of the Magistrate Court the sum(s) found by the Magistrate Court to be due as past due rent, to-wit, the sum of \$_____. (See section J of judgment form.) This sum of past due rent **MUST** be paid into the registry of the trial court in order for a tenant who is appealing a dispossessionary judgment to remain in possession of the property. Furthermore, after the case is appealed, the tenant is required to pay all future rent as it becomes due into the registry of the trial court, which, on appeal, will then be either the State or Superior Court depending on which court the appealing party selected the appeal to be filed. Failure to abide by these provisions shall cause a writ of possession to be issued instanter by a court of competent jurisdiction. (See O.C.G.A. 44-7-56.)

General Information

Computing times for appeal: O.C.G.A. 1-3-1(d)(3): The day the judgment was entered shall not be counted, but the last day shall be counted. If the last day falls on a Saturday, Sunday or public and legal holiday, the appeal shall be considered timely filed if filed on the next business day.

It is hereby certified that the above judgment is **not** a default judgment for which no appeal can be made. Appellate review of a default judgment shall be by certiorari to the State Court of _____ County or to the Superior Court of _____ County. (See O.C.G.A. 15-10-41.)

This ____ day of _____, 20____.

[] Plaintiff(s) [] Defendant(s)

CERTIFICATE OF SERVICE

A copy of this Notice of Appeal shall be served on all parties. If an opposing party is represented by an attorney, the service shall be made upon the attorney. I hereby certify that I have served the opposing party with a copy of this appeal by mailing a copy of this document to the opposing party at the address set forth above.

This ____ day of _____, 20____.

[] Plaintiff(s) [] Defendant(s)

Notice of Appeal (MAG 12-01)

Purpose of form:

This document is used to appeal either a civil judgment or a dispossessory judgment.

A magistrate judgment can be appealed to either the State Court or the Superior Court of _____ County. The vast majority of appellants elect State Court as their uniform rules tend to be less burdensome than superior court rules and procedures. An appeal from magistrate court is a de novo procedure. That means the entire case is retried, just as if there was no underlying judgment, provided that the appeal was made in a timely manner and is not from a default judgment.

The appeal of a civil case must be FILED within **thirty (30) days** of the date of judgment.

The appeal of a dispossessory case must be FILED **within seven (7) days** of the date of judgment.

General Information

Computing times for appeal: O.C.G.A. 1-3-1(d)(3): The day the judgment was entered shall not be counted, but the last day shall be counted. If the last day falls on a Saturday, Sunday or public and legal holiday, the appeal shall be considered timely filed if filed on the next business day.

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