

## APPEALS

Either party has the right to appeal the judgment of the Magistrate Court. A Civil case **MUST** be appealed within **30 days** from the date of Judgment. The appeal must be made in writing and appeal forms may be obtained from the Clerk of the Magistrate Court. The appeal will go to the State or Superior Court of Fulton County. The party filing the appeal must pay the State or Superior Court filing fee.

Appeals from DISPOSSESSORY actions **MUST** be filed within **7 days** from the date of judgment, and also requires, in addition to the appeal costs, that any amounts of rent determined due by the Magistrate Court be paid into the registry of the Court at the time of appeal, and all future rents must also be paid into the registry of the Court at the time they are due.

If a Defendant fails to show at trial, a default judgment is issued and there is no appeal. If the defendant fails to answer a civil claim within 30 days, the case is in default and the Defendant has 15 days in which he/she may open the default by paying court cost and filing an answer. No fi fa will be issued on a default judgment for 15 days.

THE MAGISTRATE COURT IS DESIGNED TO ASSIST THE GENERAL PUBLIC;  
THEREFORE IF THERE IS LANGUAGE THAT YOU DO NOT UNDERSTAND, PLEASE  
CONTACT THE MAGISTRATE COURT FOR AN EXPLANATION. FOR LEGAL ADVICE,  
CONTACT AN ATTORNEY.

Statutory Authority: **15-10-41. No jury trials; appeal**

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- (a) There shall be no jury trials in the magistrate court.
- (b)
  1. Except as otherwise provided in this subsection, appeals may be had from judgments returned in the magistrate court to the state court of the county or to the superior court of the county and the same provisions now provided for by general law for appeals contained in Article 2 of Chapter 3 of Title 5 shall be applicable to appeals from the magistrate court, the same to be a de novo appeal. The provisions of said Article 2 of Chapter 3 of Title 5 shall also apply to appeals to state court.
  2. No appeal shall lie from a default judgment. Review shall be by certiorari to the state court of that county or to the superior court of that county.