

## **Notice of Appeal**

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 Fulton County. The vast majority of appellants elect State Court as their uniform rules tends 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 the next business day.

There shall be no direct appeals from default judgments.

Default judgments shall be by certiorari to the State Court of Fulton County or the Superior Court of Fulton County .  
See O.C.G.A. § 15-10-41

**IN THE MAGISTRATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF'S NAME & ADDRESS

v.

Case No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

DEFENDANT'S NAME & ADDRESS

**NOTICE OF APPEAL  
(Dispossessory)**

Notice is hereby given that \_\_\_\_\_ (name of person filing appeal) being dissatisfied with the judgment rendered in the Magistrate Court of Fulton County, GA on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; it is hereby requested that this case be sent to the:

(select ONE)

State Court of Fulton County

Superior Court of Fulton County

and the same court having jurisdiction, it is hereby requested that this case be sent to the chosen court above on appeal. The Clerk will omit nothing of record on appeal.

Appeals by Tenant: 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. 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 dispossessory 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 ben 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.).

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

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

CERIFICATE OF SERVICE

This is to certify that I have this day served counsel or opposing party in the foregoing matter with a cop of this pleading by depositing in the United States Mail, a copy of same in a properly addressed envelope with adequate postage thereon.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\*\*All appeals from the Magistrate Court shall go to either the State or Superior Court of Fulton County first, before proceeding to the Georgia Court of Appeals.

\_\_\_\_\_  
Signature