

House Bill 1215

By: Representative Richardson of the 26<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases  
2 requiring application for appeal, contents, filing, and service of application, exhibits,  
3 response by opposing party, issuance of appellate court order regarding appeal, procedure,  
4 supersedeas, and jurisdiction of appeal, so as to provide that the provisions of such Code  
5 section shall not apply to appeals of cases involving zoning or land use issues; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases requiring  
10 application for appeal, contents, filing, and service of application, exhibits, response by  
11 opposing party, issuance of appellate court order regarding appeal, procedure, supersedeas,  
12 and jurisdiction of appeal, is amended by striking in its entirety subsection (a) and inserting  
13 in lieu thereof the following:

14 "(a) Appeals in the following cases shall be taken as provided in this Code section:

15 (1) Appeals from decisions of the superior courts reviewing decisions of the State Board  
16 of Workers' Compensation, the State Board of Education, auditors, state and local  
17 administrative agencies, and lower courts by certiorari or de novo proceedings; provided,  
18 however, that this provision shall not apply to decisions of the Public Service  
19 Commission and probate courts ~~and to~~ cases involving ad valorem taxes and  
20 condemnations, and to cases involving zoning or land use issues;

21 (2) Appeals from judgments or orders in divorce, alimony, child custody, and other  
22 domestic relations cases including, but not limited to, granting or refusing a divorce or  
23 temporary or permanent alimony, awarding or refusing to change child custody, or  
24 holding or declining to hold persons in contempt of such alimony or child custody  
25 judgment or orders;

- 1 (3) Appeals from cases involving distress or dispossessory warrants in which the only
- 2 issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;
- 3 (4) Appeals from cases involving garnishment or attachment, except as provided in
- 4 paragraph (5) of subsection (a) of Code Section 5-6-34;
- 5 (5) Appeals from orders revoking probation;
- 6 (6) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;
- 7 (7) Appeals, when separate from an original appeal, from the denial of an extraordinary
- 8 motion for new trial;
- 9 (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion
- 10 to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief
- 11 upon a complaint in equity to set aside a judgment;
- 12 (9) Appeals from orders granting or denying temporary restraining orders;
- 13 (10) Appeals from awards of attorney's fees or expenses of litigation under Code Section
- 14 9-15-14; and
- 15 (11) Appeals from decisions of the state courts reviewing decisions of the magistrate
- 16 courts by de novo proceedings so long as the subject matter is not otherwise subject to
- 17 a right of direct appeal."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.