Court of Appeals
of the State of Georgia

ATLANTA, December 11, 2014

The Court of Appeals hereby passes the following order:

A15A0677. FRED FENDER v. BRANCH BANKING AND TRUST CO.

This case originated when Branch Banking and Trust Co. applied for confirmation of a foreclosure sale against Fred Fender. After the court entered an order confirming the sale, Fender moved to set aside the judgment pursuant to OCGA § 9-11-60 (d). The court denied his motion, and Fender then filed this direct appeal. We, however, lack jurisdiction.

An appeal from an order denying a motion to set aside a judgment under OCGA § 9-11-60 (d) must be taken by application for discretionary review. See OCGA § 5-6-35 (a) (8); *Jim Ellis Atlanta, Inc. v. Adamson*, 283 Ga. App. 116 (640 SE2d 688) (2006). Fender's failure to comply with the requisite appellate procedure deprives this Court of jurisdiction over his appeal, which is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 12/11/2014
I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

Stephen E. Castlen , *Clerk.*