Court of Appeals
of the State of Georgia

ATLANTA, July 27, 2015

The Court of Appeals hereby passes the following order:

A15D0470. RON BECKSTROM v. SANDERSON FARMS, INC.

Ron Beckstrom filed a garnishment action in magistrate court and obtained a default judgment against garnishee Sanderson Farms, Inc. The magistrate court later entered an order vacating the default judgment, and Beckstrom appealed to superior court. The superior court entered an order that affirmed the magistrate court's vacatur and "overruled and denied" Beckstrom's appeal. Beckstrom now seeks discretionary review here.

An order setting aside a default judgment is generally interlocutory in nature, as the case remains pending below.[1] See *Vangoosen v. Bohannon*, 236 Ga. App. 361, 362 (2) (511 SE2d 925) (1999); *Walton v. Collins*, 172 Ga. App. 736 (324 SE2d 574) (1984); compare *Oxmoor Portfolio, LLC v. Flooring & Tile Superstore of Conyers*, 320 Ga. App. 640 (740 SE2d 363) (2013) (granted interlocutory appeal from trial court order setting aside a default judgment in a garnishment proceeding). Such non-final orders must be appealed through the interlocutory appeal procedure set forth in OCGA § 5-6-34 (b). See *Guy v. Roberson*, 214 Ga. App. 391, 392 (1) (448 SE2d 60) (1994). Although appeals in garnishment cases are typically by discretionary application, see OCGA § 5-6-35 (a) (4), where both discretionary and interlocutory application procedures apply, the applicant must follow the interlocutory appeal procedure and obtain a timely certificate of immediate review before filing an

[1] Although we do not have the complete trial court record before us, the documents that Beckstrom has submitted in support of this application do not show the entry of any final order below.

application. See *Scruggs v. Ga. Dept. of Human Resources*, 261 Ga. 587, 588 (1) (408 SE2d 103) (1991). Because Beckstrom failed to follow the interlocutory appeal procedure, this application is DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/27/2015
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.*