Court of Appeals
of the State of Georgia

ATLANTA, September 15, 2016

The Court of Appeals hereby passes the following order:

A17A0223. NATCHEZ TRACE DEVELOPMENT, INC. et al. v. MULTIBANK 2009-1 RES-ADC VENTURE, LLC.

Multibank 2009-1 RES-ADC Venture, LLC filed a lawsuit against defendants Natchez Trace Development, Inc. and Winston J. Deloney following their defaults on a promissory note and guaranty. After service by publication, Natchez and Deloney failed to appear and the trial court entered a default judgment in favor of Multibank. Deloney filed a motion to set aside the default judgment under OCGA § 9-11-60 (d). The trial court denied the motion, and Natchez and Deloney filed this direct appeal. Pretermitting whether Natchez is a proper party to this appeal, we lack jurisdiction.

Pursuant to OCGA § 5-6-35 (a) (8), 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 *Jim Ellis Atlanta v. Adamson*, 283 Ga. App. 116, 116 (640 SE2d 688) (2006). Natchez and Deloney's failure to file a discretionary application deprives this Court of jurisdiction over this appeal, which is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 09/15/2016
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.*