



**SUPREME COURT OF GEORGIA**  
Case No. S09A0215

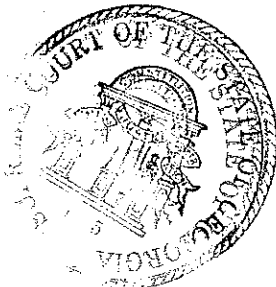
Atlanta November 3, 2008

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

**MICHAEL D. PECK et al. v. LANIER GOLF CLUB, INC.**

From the Superior Court of Forsyth County.

Appellant has pointed to no specific basis for this Court's subject matter jurisdiction over his direct appeal from the trial court's order denying his motion for class certification and dismissing his complaint. The only possibilities appear to be title to land and/or equity, but neither provides a basis for retaining the appeal. As an initial matter, appellant does not assert presently enforceable legal title against the possession of the defendant for the purpose of recovering the land and thus this appeal does not fall within this Court's traditional title to land jurisdiction. Graham v. Tallent, 235 Ga. 47 (218 SE2d 799) (1975). Further, to the extent that appellant asserts an easement in the golf course adjacent to his land, this Court has held that easement cases do not fall within its title to land jurisdiction, see Krystal Co. v. Carter, 256 Ga. 43 (343 SE2d 490) (1986); Barton v. Gammell, 238 Ga. 643 (235 SE2d 18) (1977). Finally, the case does not invoke this Court's jurisdiction over equity cases since the availability of any equitable relief is wholly dependent on the resolution of the underlying legal issues of whether an easement or an implied restrictive covenant existed in this case. See McLean v. Turtle Cove Property Assn., 222 Ga. App. 709, n.1 (475 SE2d 718) (1996); Krystal Co., *supra*. As this appeal does not invoke this Court's subject matter jurisdiction, it hereby is transferred to the Court of Appeals.



**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from  
the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

 Chief Deputy Clerk



SUPREME COURT of GEORGIA  
CLERK'S OFFICE  
244 Washington Street, S.W.  
Room 572  
Atlanta, Georgia 30334

**ATTENTION TO ALL PARTIES:**

Your case has been transferred to the Court of Appeals of Georgia. The record will remain in the Supreme Court Clerk's Office no more than 15 days after the date of the transfer order. After that time, please address all inquiries about the transfer and the issuance of a new docketing notice to the Court of Appeals Clerk's Office at 404-656-3450.

*Theresa A. Barnes*, Clerk

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S09A0215

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