



SUPREME COURT OF GEORGIA

Case No. S15D0947

Atlanta, April 6, 2015

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

THOMAS JERRY STEELE v. ASHLEY OLIVIA STEELE

Upon consideration of the application for discretionary appeal filed in the above-styled case, the application is hereby determined to have possible merit and is, therefore, granted pursuant to this Court's Rule 34 (4) regulating applications to appeal in certain divorce and alimony cases.

The Court is particularly concerned with the following issue(s):

(1) Does the Memorandum of Settlement the parties signed on November 12, 2014 constitute an enforceable settlement agreement? See, e.g., Buckner v. Buckner, 294 Ga. 705 (1) (755 SE2d 722) (2014).

(2) If so, did the trial court properly exercise its discretion in approving and enforcing the parties' settlement agreement, notwithstanding developments, in separate litigation against Applicant by judgment creditor RES-GA Steele, LLC, that transpired between the execution of the settlement agreement and the entry of the Final Judgment and Decree of Divorce? See, e.g., Buckner, 294 Ga. at 709-711 (2); Arnold v. Arnold, 282 Ga. 246 (647 SE2d 68) (2007).

(3) If so, does the Final Judgment and Decree of Divorce accurately reflect the terms agreed to by the parties? See DeGarmo v. DeGarmo, 269 Ga. 480 (1) (499 SE2d 317) (1998).

(4) If so, did the trial court nonetheless err in denominating the Final Judgment and Decree of Divorce as a consent judgment, where Applicant in fact refused to consent to and did not sign such judgment? See, e.g., Buckner, 294 Ga. at 709; Allen v. Sea Gardens Seafood, Inc., 290 Ga. 715 (1) (723 SE2d 669) (2012).

The appellant's notice of appeal must be filed in the trial court within ten days of the date shown above. Once the record is received from the trial court and docketed in this Court, notices will be mailed to all counsel showing the date of docketing and the case number assigned. The appellant's enumeration of errors and briefs will be due in this Court within 20 days of docketing; the appellee's briefs will be due within 40 days of docketing, or within 20 days of the filing of appellant's briefs, whichever is later. See Rule 12.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk 's Office, Atlanta

I 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.

Sei C. Bulton , Chief Deputy Clerk