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If you want to download the song in itunes you need to go to itunes music on your computer. to deal with the estate. Id. at 397, 489 S.E.2d at 763. In the present case, the appellants were entitled to defend the estate from the time of the first meeting of creditors because the attorneys continued to represent both the estate and the appellants. See id. See also Jackson v. Estate of Short, 292 Ga.App. 177, 180-181, 663 S.E.2d 475 (2008) (where the appellee was a creditor of the decedent, attorney-in-fact of the decedent, and a third party appointed to act as decedent's guardian, "the trial court did not err by dismissing the [appellee's] complaint after he failed to pursue the foreclosure action within the time provided by OCGA § 9-3-33"). The appellants contend that the lower court erred by dismissing the case and failing to consolidate the case with the trial court of the county in which

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the estate was opened. OCGA § 9-11-42(a)(3) provides that an order dismissing an action for failure to prosecute is an adjudication on the merits "unless the court in its order for dismissal otherwise specifies." In this case, the order for dismissal did not specify whether it was a final judgment or a dismissal without prejudice, and there was no other provision regarding whether the dismissal was on the merits or without prejudice. This Court has held that, "[u]nder OCGA § 9-11-42(a), the dismissal of a civil case for failure to prosecute is a final judgment and thus, the lower court's failure to state that the dismissal was with or without prejudice was a legal nullity." (Citations and punctuation omitted.) *Weston v. Smith*, 277 Ga. 814, 815, 596 S.E.2d 597 (2004). See also *Johnson v. Johnson*, 275 Ga. 513, 515, 571 S.E.2d 373 (2002). In this case, the trial court's failure to state that the dismissal was with or without prejudice is not a legal nullity. Accordingly, this case should have been consolidated with the trial court of the county in which the estate was opened, and the dismissal should have been with prejudice. See *id.* at 515, 571 S.E.2 82157476af

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