

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 12, 2026 Session

FILED

10/22/2026

Clerk of the
Appellate Courts

IN RE ESTATE OF JOHN “JOCK” T. DAVIDSON, III

Appeal from the Chancery Court (Probate Division) for McMinn County
No. 2025-PR-010 Jerri S. Bryant, Chancellor

No. E2025-01598-COA-R3-CV

In this probate case, several potential creditors filed claims against the decedent’s estate in the Probate Division of the McMinn County Chancery Court (“probate court”), alleging that lawsuits had been filed against the administrator *ad litem* of the estate in the McMinn County Circuit Court (“circuit court”). The administrator *ad litem* and the decedent’s surviving spouse filed exceptions to the claims, averring that the alleged creditors had failed to personally sign or verify the claims as required by statute. The alleged creditors subsequently amended their claims to personally sign and verify them. However, the amended claims were filed over one year after the decedent’s death. Following a hearing, the probate court determined that (1) the alleged creditors’ amended claims related back to the filing of the original claims and were not time-barred and (2) the circuit court needed to rule on whether the lawsuits in that court were being properly prosecuted before the probate court could address the status of the alleged creditors’ claims. The probate court thereby held the alleged creditors’ claims in abeyance pending a circuit court ruling. The administrator *ad litem* and the surviving spouse have appealed. Having determined that the probate court properly held the alleged creditors’ claims in abeyance, we further determine that the probate court has not entered a final judgment. Accordingly, we dismiss this appeal and remand the case to the probate court for further proceedings.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

THOMAS R. FRIERSON, II, J., delivered the opinion of the court, in which JOHN W. MCCLARTY, P.J., E.S., and KRISTI M. DAVIS, J., joined.

H. Chris Trew and Sarah E. Kennedy, Athens, Tennessee, for the appellants, Debra Dianne Adams and Sarah E. Kennedy, in her capacity as Administrator *ad Litem* for the Estate of John “Jock” T. Davidson, III.

Charles W. Pope, Jr., Cleveland, Tennessee, for the appellees, Daniel Grimm, Shane Brace, Courtney Barbee, Kimberly Sumrak, Joseph Sumrak, Shelia Vannoy, Richard Vannoy, Carol Jane Oliver, Donald Brafford, and Tammy Brafford.

OPINION

I. Factual and Procedural Background

On January 29, 2025, Grady B. Jefferys, Jr., filed a petition in the probate court, seeking to open the estate of John “Jock” T. Davidson, III (“Decedent”) for purposes of intestate administration. Decedent had died on April 5, 2024. Mr. Jefferys claimed to be a creditor of Decedent’s estate (“the Estate”) and requested that the probate court appoint an administrator *ad litem*. On January 31, 2025, the probate court entered an order appointing attorney Sarah E. Kennedy as Administrator Ad Litem (“AAL”) and setting a bond at \$500,000. The AAL subsequently filed a motion for instruction due to difficulties obtaining the bond. Ultimately, the probate court did not grant letters of administration until August 5, 2025.

On April 3, 2025, six verified claims were filed in the probate court against the Estate by, respectively, Shelia and Richard Vannoy, Carol Jayne Oliver, Kimberly and Joseph Sumrak, Shane Brace and Courtney Barbee, Donald and Tammy Brafford, and Daniel Grimm (collectively, “Alleged Creditors”). Each claim alleged a pending lawsuit in the McMinn County Circuit Court (“circuit court”) against Kozy Log Cabins, LLC, and the AAL for the Estate. In the copies of the circuit court complaints attached to the claims, Alleged Creditors averred that Decedent had been the agent for Kozy Log Cabins, LLC, and that he was liable for damages resulting from breach of contract, conversion, unjust enrichment, and fraud. All six claims were filed through attorney Charles W. Pope, Jr.

On May 5, 2025, the AAL filed an exception to each of the six claims, asserting that Alleged Creditors had not signed their respective claims or verifications as required by Tennessee Code Annotated § 30-2-307. Alleged Creditors subsequently filed amended verified claims on June 3, 2025, executing the claims and verifications personally.

Tennessee Code Annotated § 30-2-307(a)(1) (West July 1, 2017, to current) provides that “[a]ll claims against the estate arising from a debt of the decedent shall be barred unless filed within the period prescribed in the notice published or posted in accordance with § 30-2-306(b),” which provides for notice to debtors and creditors. Tennessee Code Annotated § 30-2-306 (e) (West May 9, 2012, to current) states that “[t]he requirement of subsection (a) shall not apply if the letters testamentary or of administration are issued more than one (1) year from the decedent’s date of death.” Furthermore, Tennessee Code Annotated § 30-2-307(b) provides:

When any claim is evidenced by a written instrument, the instrument or a photocopy of the instrument shall be filed; when due by a judgment or decree, a copy of the judgment or decree certified by the clerk of the court where rendered shall be filed; and when due by open account, an itemized statement of the account shall be filed; and every claim shall be verified by affidavit of the creditor before an officer authorized to administer oaths, which affidavit shall state that the claim is a correct, just and valid obligation of the estate of the decedent, that neither the claimant nor any other person on the claimant's behalf has received payment of the claim, in whole or in part, except such as is credited thereon, and that no security for the claim has been received, except as thereon stated.

(Emphasis added.)

On June 25, 2025, the AAL and Decedent's surviving spouse, Debra Dianne Adams (collectively, "Respondents"), filed exceptions to the amended claims, asserting that the flaws in the initial claims could not be cured after the one-year deadline for creditors to file claims. The probate court noted in its subsequent order that a will had been filed in the probate action with the surviving spouse as the will beneficiary.¹

The probate court conducted a hearing on August 1, 2025, regarding the Respondents' exceptions to the claims. In an order entered on September 9, 2025 ("the September 2025 Order"), the probate court ruled on three issues. First, the court held that the amended claims filed by Alleged Creditors related back to the filing of the original claims and were not time-barred. The court specifically found that the amendments "were to add the appropriate signature and verification" and did not introduce a new cause of action. Second, the probate court held Alleged Creditors' claims in abeyance after determining that the circuit court must rule on whether the lawsuits in the circuit court were being properly prosecuted before the probate court would be able to address the status of Alleged Creditors' claims. Third, the probate court determined that a verified claim filed by Mr. Jefferys had abated because he had not filed it until April 11, 2025, more than one year after Decedent's death.

Respondents filed this appeal, timely to the September 2025 Order. On February 3, 2026, this Court entered an order directing Respondents to show cause why this appeal should not be dismissed for lack of a final judgment. This Court reasoned that "[b]ecause the trial court has not yet resolved the claims below that the appellants are seeking to appeal, it does not appear that a final judgment exists in the trial court proceedings below from which an appeal as of right would lie." Respondents filed a timely response to the show cause order. On March 20, 2026, this Court entered an order deferring the issue of

¹ Decedent's will has not been included in the appellate record.

subject matter jurisdiction to this panel and directing the parties to include the issue of appellate subject matter jurisdiction as the first issue in their respective briefs.

II. Lack of Final Judgment

Although the parties' respective briefs present several issues for our review, Tennessee Rule of Appellate Procedure 13(b) requires that we first consider the issue of subject matter jurisdiction, which the parties have included in their briefs at our request. *See Morgan Keegan & Co. v. Smythe*, 401 S.W.3d 595, 601 n.15 (Tenn. 2013) ("Courts have the responsibility to address their own subject matter jurisdiction, even when the parties have not raised the issue."); *see also Meighan v. U.S. Sprint Commc'ns Co.*, 924 S.W.2d 632, 639 (Tenn. 1996) (emphasizing that subject matter jurisdiction cannot be waived). We specifically consider whether the appealed order constitutes a final judgment.

It is well settled in Tennessee that "[u]nless an appeal from an interlocutory order is provided by the rules or by statute, appellate courts have jurisdiction over final judgments only." *Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990); *see In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) ("A final judgment is one that resolves all the issues in the case, 'leaving nothing else for the trial court to do.'" (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997))). An order that does not adjudicate all the claims, rights, or liabilities between all the parties is not appealable as of right. *Estate of Henderson*, 121 S.W.3d at 645. Therefore, this Court does not have subject matter jurisdiction to adjudicate an appeal as of right if there is no final judgment. *See Bayberry Assocs.*, 783 S.W.2d at 559.

The question here is whether the September 2025 Order from which Respondents have appealed is a final judgment. In the order, the probate court found the following regarding the status of the lawsuit pending in circuit court:

All parties agree to the fact that no case was pending against the Decedent at the time of his death. The original suit in Circuit Court was filed in June 2024 against Kozy Cabin, LLC only. The suit was amended on March 31, 2025, allegedly against the Decedent, now the Decedent's estate, and the Administrator Ad Litem for [Decedent's] estate. No notice to creditors was published; therefore, claims had one year from the Decedent's date of death to be filed pursuant to T.C.A. § 30-2-306. The Decedent's date of death is April 5, 2024. There was no case filed against Decedent at the time of his death; therefore, nothing to revive. Alleged creditors argue they had an additional six months for tolling a statute; however, that argument does not apply here. The 6-month time period would have run in October 2024. Alleged creditors did not add the Administrator Ad Litem until more than six months from the date of death. It would appear any case against [Decedent] abated upon his death and the same as to his estate. The question as to

whether the Administrator Ad Litem was properly added as a party in the Circuit Court case must be determined in Circuit Court.

* * *

Under T.C.A. § 20-5-103² the alleged creditors' cause of action did not abate upon the death of [Decedent], but the Circuit Court must rule on whether it is being prosecuted properly. Upon that ruling, this Court will address the status of the claims for [Alleged Creditors].

Accordingly, the probate court held Alleged Creditors' claims in abeyance pending a ruling from the circuit court.

In this Court's show cause order questioning the finality of the September 2025 Order, we noted that Tennessee Code Annotated § 30-2-315(b) (West July 10, 2015, to current) provides for an appeal from a judgment resolving all issues arising from exceptions to a claim filed against the Estate. However, this Court further referenced § 30-2-315(c)(1), which provides:

(c)(1) Notwithstanding §§ 30-2-306—30-2-314, whenever there is instituted in any other court of competent jurisdiction an independent suit against a personal representative involving liability of the estate, and a claim founded on the same cause of action is or has been filed against the estate in the manner provided in §§ 30-2-307 and 30-2-308, which claim has not been adjudicated by the court in which the administration is pending, the court in which the administration is pending shall hold in abeyance any action on the claim until the final determination of the independent suit, whereupon, on the filing of a certified copy of the final judgment or decree with the clerk of the court in which the administration is pending, that court is authorized to enter judgment accordingly.

(Emphasis added.)

² Tennessee Code Annotated § 20-5-103(a) (West August 11, 2009, to current) states:

In all cases where a person commits a tortious or wrongful act causing injury or death to another, or property damage, and the person committing the wrongful act dies before suit is instituted to recover damages, the death of that person shall not abate any cause of action that the plaintiff would have otherwise had, but the cause of action shall survive and may be prosecuted against the personal representative of the tort-feasor or wrongdoer.

Respondents acknowledge that if Alleged Creditors' claims had been "properly filed" pursuant to Tennessee Code Annotated §§ 30-2-307 and 30-2-308,³ the correct action would have been for the probate court to hold the claims in abeyance pending resolution of the circuit court lawsuits. However, Respondents urge this Court to determine that the probate court should not have applied the abeyance provision of § 30-2-315(c)(1) because Alleged Creditors' claims against the Estate were not properly filed in the manner provided in § 30-2-307 when Respondents failed to personally execute the original claims and verifications. Respondents insist that to determine whether the September 2025 Order was a final judgment, this Court must first address the substantive issue of whether the probate court erred by finding that Alleged Creditors' amended verified claims related back to their initial claims. We disagree.

As our Supreme Court has explained regarding the procedure for appealing the resolution of claims in probate court:

An integral part of the proceeding in probate court involves the resolution of claims against the estate. These claims may be filed in the probate proceeding itself, or they may be filed against the personal representative in another court. The personal representative may file an exception to a claim, and disputes involving claims may be resolved in a separate trial with or without a jury. Tenn. Code Ann. §§ 30-2-314, -315(a). A party dissatisfied with the outcome of a trial regarding a disputed claim must file a timely appeal without waiting for a final order closing the probate proceeding. Tenn. Code Ann. §§ 30-2-314(d), 315(c).

In re Estate of Trigg, 368 S.W.3d 483, 497 (Tenn. 2012) (emphasis added) (footnotes omitted).

However, Tennessee Code Annotated § 30-2-315(c)(1) provides the procedure to be followed when claims filed against the personal representative in a court other than the court administering the estate remain unresolved. Applying the plain language of § 30-2-315(c)(1), we determine that because Alleged Creditors' claims have not been adjudicated by the probate court, wherein administration of the Estate is pending, the probate court properly held in abeyance "any action on the claim[s] until the final determination of the independent suit[s]" pending in circuit court. *See* Tenn. Code Ann. § 30-2-315(c)(1); *see also In re Estate of Tanner*, 295 S.W.3d 610, 614 (Tenn. 2009) ("When a statute is clear, we apply the plain meaning without complicating the task."). Therefore, although Respondents seek reversal of the probate court's ruling that the amended verified claims

³ Tennessee Code Annotated § 30-2-308 (West 1985 to current) requires that "[t]riplicate copies of the first pleading filed in original actions against a personal representative shall be filed with the clerk of the court where the administration originated."

related back to the initial claims and were timely filed, we find this ruling to have been interlocutory and not a final judgment.

In the show cause order, this Court referenced *In re Estate of Meadows*, No M2017-01062-COA-R3-CV, 2018 WL 1920378 (Tenn. Ct. App. Apr. 24, 2018), for the proposition that a claim against an estate cannot be considered final for the purposes of Tennessee Rule of Appellate Procedure 3 when the claim has been held in abeyance pending resolution of an independent suit. In *Estate of Meadows*, the appellants sought review of an order entered by the probate court disqualifying the appellants' counsel. *Id.* at *1. Pursuant to § 30-2-315(c)(1), this Court dismissed the appeal for lack of a final judgment because three lawsuits alleging the estate's liability remained pending in chancery court, causing the probate court claim to have been held in abeyance. *Id.* at *4-6 (“[N]either the estate as a whole nor the very claim at issue between the parties that gives rise to the dispute in this case have been finally adjudicated, but rather this case has been held in abeyance pending resolution of the independent chancery court proceedings that constitute Appellees' claim.”).

Respondents attempt to distinguish *Estate of Meadows* from the instant action because *Meadows* involved an order disqualifying an attorney rather than a hearing regarding an exception to a claim and because they allege that the claims were not “timely and properly filed” in the probate court. We find this to be a distinction without a legal difference in terms of whether the probate court properly held the claims in abeyance. Because the probate court was required to “hold in abeyance any action on the claim until the final determination of the independent suit[s]” in circuit court, *see* Tenn. Code Ann. § 30-2-315(c)(1), we conclude that the September 2025 Order was not a final judgment.

Inasmuch as the appellate record in this matter demonstrates no final judgment, this Court lacks subject matter jurisdiction to consider the appeal. Accordingly, this appeal is dismissed for lack of a final judgment without prejudice to the filing of a new appeal once a final judgment has been entered.

III. Conclusion

For the foregoing reasons, this appeal is dismissed for lack of subject matter jurisdiction. This case is remanded to the probate court for further proceedings consistent with this Opinion. The costs of this appeal are taxed to the appellants, Debra Dianne Adams and Sarah E. Kennedy, in her capacity as Administrator *ad Litem* for the Estate of John “Jock” T. Davidson, III.

s/ Thomas R. Frierson, II
THOMAS R. FRIERSON, II, JUDGE