

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
July 21, 2026 Session

FILED

07/23/2026

Clerk of the
Appellate Courts

DARREN V. BERG v. STEVEN R. HELLER ET AL.

**Appeal from the Chancery Court for Sevier County
No. 24-3-051 Vanessa A. Jackson, Senior Judge**

No. E2025-02077-COA-R3-CV

This is an appeal from a final order entered on November 20, 2025. The notice of appeal was not filed with the Appellate Court Clerk until December 26, 2025, more than thirty days from the date of entry of the order from which the appellant is seeking to appeal. Because the notice of appeal was not timely filed, we have no jurisdiction to consider this appeal.

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

JOHN W. MCCLARTY, P.J., E.S.; THOMAS R. FRIERSON, II, J.; AND KRISTI M. DAVIS, J.

Katheryn D. Bradley, Cookeville, Tennessee, Pro Se Appellant.

Darren V. Berg, Knoxville, Tennessee, Pro Se Appellee.

Brian Taylor Mansfield, Sevierville, Tennessee, for the appellee, Steven R. Heller.

MEMORANDUM OPINION¹

The Sevier County Chancery Court (“trial court”) entered a final judgment on November 20, 2025. On December 26, 2025, the appellant, Katheryn D. Bradley (“Appellant”), filed a *pro se* notice of appeal in this case, in which she states that she is

¹ Rule 10 of the Rules of the Court of Appeals provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

seeking to appeal the trial court's order denying her motion to alter or amend the judgment that had been filed pursuant to Tennessee Rule of Civil Procedure 59 or 60.

The trial court entered its "Amended Judgment and Order of Sale" on August 20, 2025. Appellant subsequently filed a motion to alter or amend the trial court's judgment on September 23, 2025, which was denied by the trial court by order entered on November 20, 2025. In its November 20, 2025 order, the trial court found that the motion to alter or amend was untimely but also determined that the motion was "wholly without merit." As such, Appellant's post-judgment motion was denied "in all respects." Subsequently, the notice of appeal was placed by Appellant in the official drop box at the Court of Appeals in Knoxville, Tennessee on December 26, 2025.

Upon receipt of the appellate record and pursuant to Tennessee Rule of Appellate Procedure 13(b), this Court reviewed the record on appeal to determine if the Court has subject matter jurisdiction over the appeal. The appellate record revealed that Appellant's notice of appeal appears to be untimely filed, thus depriving this Court of jurisdiction to consider the appeal. Therefore, this Court entered an order on June 10, 2026, directing Appellant to show cause why this appeal should not be dismissed due to lack of jurisdiction resulting from an untimely notice of appeal. To date, Appellant has not responded to this Court's show cause order.

In order to be timely, a notice of appeal must "be filed with the clerk of the appellate court within 30 days after the date of entry of the judgment appealed from." Tenn. R. App. P. 4(a). "The thirty-day time limit for filing a notice of appeal is mandatory and jurisdictional in civil cases." *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004). If a notice of appeal is not filed in a civil case in a timely fashion from the date of entry of the final judgment, we are not at liberty to waive the procedural defect and must dismiss the appeal. *See Arfken & Assocs., P.A. v. Simpson Bridge Co., Inc.*, 85 S.W.3d 789, 791 (Tenn. Ct. App. 2002); *Am. Steinwinter Investor Group v. Am. Steinwinter, Inc.*, 964 S.W.2d 569, 571 (Tenn. Ct. App. 1997); *Jefferson v. Pneumo Services Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985).

Because the notice of appeal in this case was filed more than thirty (30) days after the date of entry of the final order, we lack jurisdiction to consider the appeal. This appeal is dismissed. Costs on appeal are taxed to the appellant, Katheryn D. Bradley, for which execution may issue if necessary.²

PER CURIAM

²We note that Appellant filed a motion to proceed as indigent in this appeal. However, Appellant's alleged indigency does not relieve her from paying the court costs associated with this appeal. *See* Tenn. Code Ann. § 20-12-127(b) (stating that the filing of a civil action upon a pauper's oath "does not relieve the person filing the action from responsibility for the costs or taxes but suspends their collection until taxed by the court"). Therefore, Appellant's motion is DENIED as moot.