

FILED

07/24/2026

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs May 1, 2026

IN RE ESTATE OF DEAN MICHAEL LEAHY

Appeal from the Chancery Court for Maury County
No. 60CH1-2019-PR-77 Russell Parkes, Judge

No. M2025-00437-COA-R3-CV

Appellant appeals the trial court's closure of the decedent's estate. Due to the deficiencies in appellant's appellate brief, we dismiss the appeal. Appellees' request for frivolous appeal damages is denied.

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

VALERIE L. SMITH, J., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., C.J. and THOMAS R. FRIERSON, II, J., joined.

Catherine Anne Helck, Danville, Illinois, appellant, pro se.

Joshua D. Miller, Columbia, Tennessee, for the appellees, Tammy Lee and M.C.L.

OPINION

I. Background

Dean Michael Leahy ("Decedent") and Tammy Lee are the parents of M.C.L. (d/o/b December 2017) (the "Child") (together with Ms. Lee, "Appellees"). Decedent and Ms. Lee never married. On February 9, 2019, Decedent died intestate, leaving the Child as his sole heir. On March 1, 2019, Ms. Lee initiated, in the Chancery Court of Maury County ("trial court"), a small estate proceeding to administer Decedent's estate (the "Estate"). Separately, on March 15, 2019, Appellant Catherine Anne Helck, Decedent's mother, filed a petition for intestate administration in the trial court. In the petition, Ms. Helck asked to be appointed the administrator of the Estate and alleged that it was insolvent. That same day, the trial court entered an order appointing Ms. Helck as Administrator of the Estate. On March 26, 2019, Ms. Lee, on behalf of the Child, moved for the trial court to set aside

its order of intestate administration and revoke the letters of administration appointing Ms. Helck as administrator. Ultimately, the trial court denied Ms. Lee's motion and Ms. Helck was allowed to continue as Administrator. On March 15, 2021, the trial court entered an order requiring Ms. Lee to return certain funds and to provide certain documents related to the Estate to Ms. Helck. On January 14, 2022, Ms. Helck filed a motion for sanctions against Ms. Lee, alleging that she failed to appear for a deposition. On March 16, 2022, Ms. Helck filed a notice to strike a hearing on the motion for sanctions.

The case was inactive for over two years. On May 23, 2024, the trial court filed a dormant docket notice, alerting the parties that the case would be called for disposition on July 1, 2024. On July 10, 2024, the trial court entered an order allowing the Estate to remain active and continued the matter until September 5, 2024. On September 6, 2024, the trial court entered a similar order and continued the matter until December 8, 2024. The case was again continued until January 13, 2025. In that order, the trial court warned that, unless Ms. Helck could demonstrate why the Estate should remain open, the trial court was inclined to grant the heir's request to close it. On February 21, 2025, the trial court dismissed the case "[b]ased on Ms. Helck's failure to adequately demonstrate why the [E]state should remain open and the heir's repeated requests that the [E]state case be closed so that [he could] obtain closure[.]" Ms. Helck filed a timely notice of appeal to this Court.

II. Issues

Ms. Helck raises ten issues for our review, as stated in her brief:

1. Whether the trial court erred in dismissing the probate proceeding where statutory requirements for dismissal were not satisfied.
2. Whether the trial court erred by dismissing the probate estate without considering Appellant's allegations of misrepresentation and false statements.
3. Whether the trial court abused its discretion by dismissing the probate proceeding without complying with required statutory probate procedures.
4. Whether the trial court erred by permitting the inclusion of an unrelated probate estate in Appellant's case by the clerk of the court without notice.
5. Whether the trial court denied Appellant due process by dismissing the probate proceeding without affording Appellant an opportunity to present evidence or be heard.
6. Whether the trial court erred by permitting unidentified additional heirs to be

added to the probate proceeding without proper identification or notice.

7. Whether the trial court erred by dismissing the probate proceeding while outstanding claims against the estate remained unresolved, including claims asserted by a misidentified claimant.
8. Whether the trial court erred by allowing venue for the probate proceeding to be determined by an improperly initiated small-estate filing by a third party.
9. Whether the trial court abused its discretion by permitting Appellant's counsel to withdraw on the eve of a hearing without affording Appellant a reasonable opportunity to obtain new counsel or prepare to proceed.
10. Whether the trial court erred by failing to enforce its orders directing a third party to return estate personal property and monies taken before, during, and after the small-estate proceeding.

III. Discussion

Although six attorneys represented Ms. Helck at various times in the proceedings below, she represents herself in this appeal. It is well-settled that “pro se litigants are held to the same procedural and substantive standards to which lawyers must adhere.” *Brown v. Christian Bros. Univ.*, 428 S.W.3d 38, 46 (Tenn. Ct. App. 2013). While “[p]arties who choose to represent themselves are entitled to fair and equal treatment by the courts[.]” *Hodges v. Tenn. Att’y Gen.*, 43 S.W.3d 918, 920 (Tenn. Ct. App. 2000) (citing *Paehler v. Union Planters Nat’l Bank, Inc.*, 971 S.W.2d 393, 396 (Tenn. Ct. App. 1997)), “courts must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Young v. Barrow*, 130 S.W.3d 59, 63 (Tenn. Ct. App. 2003) (citing *Edmundson v. Pratt*, 945 S.W.2d 754, 755 (Tenn. Ct. App. 1996); *Kaylor v. Bradley*, 912 S.W.2d 728, 733 n.4 (Tenn. Ct. App. 1995)).

We do not reach the substantive issues in this appeal because Ms. Helck has waived them. Tennessee Rule of Appellate Procedure 27(a)(7)(A), **requires** an appellant’s brief to include:

- (2) A table of authorities, including cases (alphabetically arranged), statutes and other authorities cited, with references to the pages in the brief where they are cited;

- (7) An argument, which may be preceded by a summary of argument, setting

forth:

- (A) the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, ***with citations to the authorities*** and appropriate references to the record (which may be quoted verbatim) relied on;

Tenn. R. App. P. 27(a)(7)(A) (emphasis added). Ms. Helck fails to cite to even a single authority in her appellate brief. Although she argues that the dismissal of the Estate “was the product of numerous statutory violations and denials of due process,” she provides neither statutory nor constitutional citations to support these allegations. “[P]arties cannot expect this [C]ourt to do its work for them,” and we are under no duty to verify unsupported legal claims in a party’s brief. *Bean v. Bean*, 40 S.W.3d 52, 56 (Tenn. Ct. App. 2000) (citing *England v. Burns Stone Company, Inc.*, 874 S.W.2d 32, 35 (Tenn. Ct. App. 1993) and *Duchow v. Whalen*, 872 S.W.2d 692, 693 (Tenn. Ct. App. 1993)). It is well-established “that a party’s failure to cite authority for its arguments . . . in the body of its brief constitute[s] a waiver on appeal.” *Forbess v. Forbess*, 370 S.W.3d 347, 355 (Tenn. Ct. App. 2011); *see also Newcomb v. Kohler Co.*, 222 S.W.3d 368, 401 (Tenn. Ct. App. 2006) (“The failure of a party to cite to any authority or to construct an argument regarding his position on appeal constitutes waiver of that issue.”). Indeed, “the Supreme Court has held that it will not find this Court in error for not considering a case on its merits where the [party] did not comply with the rules of this Court.” *Bean*, 40 S.W.3d at 54-55 (citing *Crowe v. Birmingham & N.W. Ry. Co.*, 1 S.W.2d 781 (Tenn. 1928)). Here, given the complete lack of legal authority in Ms. Helck’s brief, this Court would be tasked with finding the law to support her arguments. This we will not do. Given the deficiencies in Ms. Helck’s appellate brief, we dismiss the appeal.

Appellees assert that Ms. Helck’s appeal is frivolous and ask this Court to award them frivolous appeal damages under Tennessee Code Annotated section 27-1-122, which provides:

When it appears to any reviewing court that the appeal from any court of record was frivolous or taken solely for delay, the court may, either upon motion of a party or of its own motion, award just damages against the appellant, which may include, but need not be limited to, costs, interest on the judgment, and expenses incurred by the appellee as a result of the appeal.

Tenn. Code Ann. § 27-1-122. “An appeal is frivolous when it has ‘no reasonable chance of success,’ *Jackson v. Aldridge*, 6 S.W.3d 501, 504 (Tenn. Ct. App. 1999), or is ‘so utterly devoid of merit as to justify the imposition of a penalty.’” *Whalum v. Marshall*, 224 S.W.3d 169, 181 (Tenn. Ct. App. 2006) (quoting *Combustion Eng’g, Inc. v. Kennedy*, 562 S.W.2d 202, 205 (Tenn. 1978)). Whether an award of frivolous appeal damages is

warranted rests solely in this Court’s discretion, *Chiozza v. Chiozza*, 315 S.W.3d 482, 493 (Tenn. Ct. App. 2009), and we exercise such discretion “sparingly so as not to discourage legitimate appeals.” *Whalum*, 224 S.W.3d at 181. In our discretion, we decline to award Appellees frivolous appeal damages.

IV. Conclusion

For the foregoing reasons, the appeal is dismissed. Appellees’ request for frivolous appeal damages is denied. Costs of the appeal are assessed to the Appellant, Catherine Anne Helck. Execution for costs may issue if necessary.

s/ Valerie L. Smith

VALERIE L. SMITH, JUDGE