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IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
Assigned on Briefs June 2, 2026

JEAN KELLEY v. KAREN ELIZABETH BOWDEN AND KAREN ELIZABETH BOWDEN v. JEAN KELLEY

Appeal from the Chancery Court for Lawrence County
Nos. 2025-21308, 2025-21338 Julie Carrell Heffington, Judge

No. M2025-00848-COA-R3-CV

This appeal arises from the filing of competing Petitions for Orders of Protection by two neighbors. The trial court granted the appellee's petition after finding that the appellant's actions met the criteria for stalking set forth in Tennessee Code Annotated section 39-17-315. The trial court dismissed the appellant's petition. The appellant appeals, and upon diligent review of the record, we find no error and affirm the consolidated judgment of the trial court.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed; Case Remanded

KRISTI M. DAVIS, J., delivered the opinion of the Court, in which FRANK G. CLEMENT, JR., C.J., and STEVEN W. MARONEY, J., joined.

Joshua L. Brand, Nashville, Tennessee, for the appellant, Jean Kelley.

Seth M. Lasater, Columbia, Tennessee, for the appellee, Karen Elizabeth Bowden.

CORRECTED OPINION

BACKGROUND

Appellant Jean Kelley ("Kelley") and Appellee Karen Elizabeth Bowden ("Bowden") have lived across the street from each other at the end of a dead-end street since 2007. Their relationship became adversarial in December of 2020 when a visitor at Bowden's home parked a box trailer at the end of the street near the parties' homes. Kelley approached Bowden and asked her to have the trailer removed. Bowden refused. Both

parties testified that since December of 2020, they have each called the police on the other approximately eleven times.

On January 21, 2025, Kelley filed a Petition for Order of Protection against Bowden alleging that Bowden stalked her by pursuing, following, and taking photos and/or videos of her while Kelley was in a golf cart and Bowden was in a car; driving a golf cart "extremely close" to Kelley's car; placing Bowden's trash can "in an obstructive area" in the road between the parties' houses and then grabbing Kelley's arm, taunting her, and mocking her when Kelley attempted to move the trash can; installing "multiple" cameras on Bowden's property and pointing them at Kelley's house to spy on Kelley while she was in and around her home; coming onto Kelley's property after Kelley posted "No Trespassing" signs; and committing "numerous other acts of repeated bullying and harassing such that [Kelley] is unable to feel safe, secure, or at peace within her home."

On February 11, 2025, Bowden filed a Petition for Order of Protection against Kelley alleging that Kelley stalked her by following her around a local store and photographing her; repeatedly taking "at least hundreds" of photographs of her and her property in public and private settings; setting traps to catch her animals; writing "numerous" letters to their neighbors disparaging Bowden; visiting Bowden's former employer and attempting to have her retirement benefits terminated; visiting Bowden's church and attempting to have her excommunicated; placing "numerous" signs, which were meant to disparage and harass Bowden, at the end of Kelley's driveway facing Bowden's house; and "numerous other acts of repeated bullying and harassing such that [Bowden] is unable to feel safe, secure or at peace within her home."

The parties entered an agreed order of continuance and consolidation, and on April 15, 2025, the Lawrence County Chancery Court (the "trial court") heard the consolidated cases during a non-jury trial. On May 5, 2025, the trial court entered a detailed order denying Kelley's petition and granting Bowden's petition. The record does not contain a transcript of the April 15 hearing. Kelley filed a proposed Statement of the Evidence pursuant to Tennessee Rule of Civil Procedure 24(c); however, the trial court rejected Kelley's statement and instead adopted its order as the official Statement of the Evidence.

In its order, the trial court meticulously analyzed each of Kelley's allegations and found that none of them had merit:

> [P]ursuant to Tenn. Code Ann. § 39-17-315, a reasonable person would not "feel terrorized, frightened, intimidated, threatened, harassed, or molested…" by the actions of Ms. Bowden. This [c]ourt finds that Ms. Kelley is unreasonable and is the instigator of many of the interactions she has had with Ms. Bowden. Seemingly, Ms. Kelley has developed a set of rules for proper and improper courses of conduct. Further, Ms. Kelley is determined to hold Ms. Bowden to the same standards, despite the fact that

Ms. Bowden has private property rights and is not breaking any laws of the State of Tennessee or ordinances of the City of Lawrenceburg.

* * *

According to Ms. Kelley's testimony, she has contacted the City of Lawrenceburg Police Department, a magistrate, a preacher, Ms. Bowden's church, and Ms. Bowden's former employer, the Tennessee Highway Patrol. Ms. Kelley testified that no one has helped her deal with Ms. Bowden. Thus, she brings her complaints to a Court of Law in an attempt to get an Order of Protection related to stalking. This [c]ourt imagines every other person/entity has come to the same conclusion – Ms. Kelley's complaints are ridiculous, trivial, and unreasonable.

Conversely, the trial court analyzed three of the allegations set forth in Bowden's petition and concluded that Kelley's actions amounted to stalking. First, the trial court analyzed Bowden's claim that Kelley had taken "at least hundreds of photographs of [Bowden] and her property." In support of Kelley's petition, Kelley proffered 728 photographs, which were admitted as evidence at trial. The trial court found that

. . . [t]he photographs depict Ms. Bowden, her property, including her backyard, vehicle, golf cart, cats, trashcan, etc. Many of the photographs have clearly been taken from inside Ms. Kelley's house, as evidence[d] by the blinds being visible in the photograph. Further, Ms. Kelley testified that many of the photographs were taken while Ms. Kelley hid in her garage.

Various photographs clearly illustrate Ms. Kelley is, and has been, spying on Ms. Bowden. For example, photograph #96, depicts Ms. Bowden in her vehicle stopped at a stop sign having, what appears to be, a conversation with a driver in another vehicle. The illustrated interaction should have been of no consequence to Ms. Kelley, yet Ms. Kelley, hiding in the recesses of her home, took a picture of Ms. Bowden.

It would be exhaustive and impossible for this [c]ourt to detail each and every photograph taken by Ms. Kelley. Suffice to say, the sheer volume of photographs provided by Ms. Kelley, the nature and subject matter of the photographs, and the fact that (as admitted by Ms. Kelley) many of the photographs were taken in secret is tantamount to prima facie evidence of stalking.

Ms. Kelley[']s conduct] has certainly met the threshold requirement of ". . . conduct composed of a series of two (2) or more separate, noncontinuous acts . . . ." Tenn. Code Ann. § 39-17-315. Further, Ms. Bowden testified that

> she knew Ms. Kelley had been taking pictures, which made her feel harassed, frightened, and depressed. However, Ms. Bowden testified she had no idea the volume of pictures Ms. Kelley had taken until the photographs were admitted as Collective Exhibit #1.
>
> Moreover, Mr. Luna, Ms. Bowden's son, testified that he has watched his mother go from a loving, wonderful, patient woman to being upset and nervous all the time – all related to the actions of Ms. Kelley.
>
> Therefore, based on the testimony of Ms. Kelley, Ms. Bowden, and Mr. Luna, Ms. Kelley's actions meet the definitions of harassment and stalking as set forth in Tenn. Code Ann. § 39-17-315.

Next, the trial court analyzed Bowden's claim that Kelley placed multiple signs at the end of her driveway for "the purpose of disparaging and harassing [Bowden]." Kelley conceded that she put signs targeting Bowden at the end of her own driveway and that Bowden and anyone traveling on the street or visiting Bowden would have seen the signs. The trial court found that the photographs admitted into evidence "depict at least ten signs placed by Ms. Kelley specifically addressing and denigrating Ms. Bowden" and that these actions clearly constitute stalking pursuant to section 39-17-315.

Finally, the trial court analyzed Bowden's claim that Kelley set traps to catch Bowden's animals. Kelley admitted that she trapped several of Bowden's cats after telling Bowden that she did not like that Bowden fed the neighborhood cats and felt like Bowden owned too many cats. Kelley believed the cats had damaged her property and offered photo evidence of what she claimed to be her damaged property. The trial court looked at the evidence and discovered photos of cat prints in the snow, on outdoor furniture, and on a grill. The trial court found that "none of the photographs . . . show actual damage to her property" and noted that it was unclear how Kelley determined that Bowden's cats caused this purported damage since the parties both testified that not all the neighborhood cats belonged to Bowden. Kelley testified that she called animal control and that when they failed to help her, she took it upon herself to trap the cats and release them in a location unknown to Bowden. The trial court also analyzed a video taken by Kelley at 6:30 a.m. where she is in her yard loudly berating Bowden, who is in her own yard. The trial court notes that the video is "several minutes in length and contain[s] a barrage of insults directed at Ms. Bowden," including that she "had mental issues because she was feeding the cats and that she needed to seek help." The trial court ultimately found that these "actions in relation to the cats clearly meets – and exceeds – the criteria set forth in" section 39-17-315.

Because Bowden proved her case by a preponderance of the evidence as to these three allegations, the trial court did not find it necessary to review the remaining allegations and granted Bowden's petition. The trial court also awarded Bowden her attorney's fees

and costs and, on May 21, 2025, entered a judgment against Kelley in the amount of $8,554.36.

Kelley timely appealed.

ISSUES

Kelley raises three issues, which we restate as follows:

1. Whether the trial court erred in denying the order of protection sought by Kelley against Bowden.

2. Whether the trial court erred in granting the order of protection sought by Bowden against Kelley.

3. Whether the trial court erred in granting Bowden her attorney's fees and costs.

Bowden raises one additional issue: whether she should be awarded her attorney's fees and costs incurred on appeal?

DISCUSSION

a.

Because this case was tried without a jury, our review is de novo upon the record, accompanied by a presumption of correctness of the findings of fact of the trial court, unless the preponderance of the evidence is otherwise. *Purswani v. Purswani*, 585 S.W.3d 907, 914 (Tenn. Ct. App. 2019) (citing Tenn. R. App. P. 13(d); *Bowden v. Ward*, 27 S.W.3d 913, 916 (Tenn. 2000)). A trial court's conclusions of law are subject to a de novo review with no presumption of correctness. *S. Constructors, Inc. v. Loudon Cnty. Bd. of Educ.*, 58 S.W.3d 706, 710 (Tenn. 2001). "In order for the evidence to preponderate against the trial court's findings of fact, the evidence must support another finding of fact with greater convincing effect." *Wood v. Starko*, 197 S.W.3d 255, 257 (Tenn. Ct. App. 2006). Likewise, we give great deference to a trial court's credibility findings:

> When credibility and weight to be given testimony are involved, considerable deference must be afforded to the trial court when the trial judge had the opportunity to observe the witnesses' demeanor and to hear in-court testimony. *Estate of Walton v. Young*, 950 S.W.2d 956, 959 (Tenn. 1997) (quoting *Randolph v. Randolph*, 937 S.W.2d 815, 819 (Tenn. 1996)). Because trial courts are able to observe the witnesses, assess their demeanor, and evaluate other indicators of credibility, an assessment of credibility will

> not be overturned on appeal absent clear and convincing evidence to the contrary. *Wells v. Bd. of Regents*, 9 S.W.3d 779, 783 (Tenn. 1999).

Walker v. Pawlik, No. M2013-00861-COA-R3-CV, 2013 WL 5781565, at *3 (Tenn. Ct. App. Oct. 23, 2013) (quoting *Hughes v. Metro. Gov't of Nashville and Davidson Cnty.*, 340 S.W.3d 352, 360 (Tenn. 2011)).

A petitioner seeking an order of protection must prove, by a preponderance of the evidence, that they have suffered one of the harms enumerated in Tennessee Code Annotated section 36-3-605(b).[1] In this case, each party accused the other of stalking. For purposes of an order of protection, a "stalking victim" is "any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of the offense of stalking, as defined in [Tennessee Code Annotated section] 39-17-315[.]" Tenn. Code Ann. § 36-3-601(12) (effective April 22, 2024 to March 24, 2025). Section 39-17-315 defines stalking as "a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested[.]" Tenn. Code Ann. § 39-17-315(a)(4) (effective July 1, 2024 to present). Generally, a course of conduct in this context is "a pattern of conduct composed of a series of two (2) or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property[.]" Tenn. Code Ann. § 39-17-315(a)(1)(A). And, for purposes of this statute, harassment means conduct "directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact; [which] is committed with reckless disregard for whether the victim will suffer emotional distress as a result of the conduct; and [t]he victim suffers emotional distress as a result of the conduct." Tenn. Code Ann. § 39-17-315(a)(3)(A). However, it "[d]oes not include constitutionally protected activity or conduct that serves a legitimate purpose[.]" Tenn. Code Ann. § 39-17-315(a)(3)(B).

b.

Having carefully reviewed the parties' briefs, the record, and the trial court's order, we have no difficulty affirming the trial court's decision to deny Kelley's petition and grant Bowden's petition. On appeal, Kelley argues that "[a]t a minimum, the [trial court] should have granted *both* petitions as requested, as there was theoretically a valid basis for them." Resolution of this case is particularly dependent upon the trial court's evaluation of the facts and, more specifically, the credibility of the witnesses. The trial court fully evaluated

[1] We apply the version of the statutes in effect at the time the petitions were filed in January and February of 2025.

both, and we see no reason to disturb the trial court's findings and conclusions, which are all supported by the record. Again, the record establishes that Kelley (1) took at least 728 photographs of Bowden, (2) placed at least ten signs at the end of Kelley's driveway targeting and denigrating Bowden, (3) trapped Bowden's animals, relocated them, and would not tell Bowden where she released them, and (4) recorded herself loudly berating and shouting insults at Bowden – who was in her own yard – for several minutes.

The trial court aptly noted as follows:

> …[T]he [c]ourt does not want to leave the impression that Ms. Bowden has been completely innocent and guilt-free in her conduct. This [c]ourt recognizes that Ms. Bowden has behaved poorly at times. However, based on Ms. Kelley's testimony this neighborhood war started over a parked trailer in the dead-end section of 8th Street. Ms. Kelley's anger and spite regarding such is entirely unreasonable and illogical – and it leads this [c]ourt to conclude that Ms. Kelley, metaphorically, threw the first punch. Rather than maintaining her own reputation, at times, Ms. Bowden became an active participant in Ms. Kelley's war. Regardless, Ms. Bowden's actions do not rise to the level of stalking.

We find no error with the trial court's denial of Kelley's petition and grant of Bowden's petition, and we affirm.[2]

c.

We next address Bowden's request for an award of her attorney's fees and costs incurred in defending this appeal. If a trial court "after the hearing on the petition, issues or extends an order of protection, all court costs, filing fees, litigation taxes and attorney fees shall be assessed against the respondent." Tenn. Code Ann. § 36-3-617(a)(1) (effective July 1, 2021 to March 24, 2025). A successful order of protection petitioner is also entitled to an award of their attorney's fees incurred "in defending an appeal involving the issuance or extension of an order of protection." *New v. Dumitrache*, 604 S.W.3d 1, 21–22 (Tenn. 2020) (collecting cases). Bowden has successfully defended the order of protection entered in her favor and is, therefore, entitled to an award of her appellate attorney's fees.

CONCLUSION

The judgment of the Chancery Court for Lawrence County is hereby affirmed, and this case is remanded for further proceedings consistent with this opinion. Upon remand,

[2] Kelley argues that, in the event this Court reverses the trial court's judgment, we should remand this case to the trial court to reconsider its award to Bowden of her attorney's fees incurred at the trial court level. Because we do not reverse the trial court's judgment, this issue is pretermitted.

the trial court shall enter an order granting Bowden her reasonable attorney's fees incurred for this appeal pursuant to Tennessee Code Annotated section 36-3-617(a)(1). Costs on appeal are assessed to the appellant, Jean Kelley, for which execution may issue if necessary.

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KRISTI M. DAVIS, JUDGE