

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs September 15, 2026

RYAN EUGENE BETZ v. AMBERLY DAWN BETZ

Appeal from the Chancery Court for Sumner County
No. 25DM-134 Louis W. Oliver, Chancellor

No. M2026-01405-COA-T10B-CV

In this interlocutory appeal, the appellant argues that the trial court erred in denying her motion to recuse the trial judge. After evaluating the trial court’s ruling under the de novo standard of review, we affirm the trial court’s denial of the motion for recusal.

Tenn. Sup. Ct. R. 10B Interlocutory Appeal as of Right; Judgment of the Chancery Court Affirmed

ANDY D. BENNETT, J., delivered the opinion of the Court, in which THOMAS R. FRIERSON, II, and CARMA DENNIS MCGEE, JJ., joined.

Amberly Dawn Betz, Hendersonville, Tennessee, pro se.

James Lee Widrig and Alexandra Annelyse Lovan, Brentwood, Tennessee, for the appellee, Ryan Eugene Betz.

OPINION

FACTUAL AND PROCEDURAL BACKGROUND

This is an accelerated interlocutory appeal as of right pursuant to Rule 10B of the Rules of the Supreme Court of Tennessee. The underlying dispute is a divorce proceeding filed by Ryan Eugene Betz (“Husband”) against Amberly Dawn Betz (“Wife”) in June 2025. Wife has been representing herself in the divorce and represents herself in this appeal. On September 8, 2026, Wife filed a motion seeking recusal of the trial judge, asserting that “the cumulative course of proceedings, including the Court’s treatment of Defendant’s procedural requests, evidentiary objections, efforts to obtain rulings on unresolved matters, and self-represented advocacy, would cause a reasonable and fully informed person to question the Court’s impartiality.”

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The trial court entered an order on September 10, 2026, denying Wife's recusal motion. In its order, the trial court summarized the status of the case and then explained its ruling as follows:

This is a marriage of less than 10 years in which the parties have no minor children together. The primary assets of the marriage are a marital home with approximately \$400,000 in equity and a marital business which appears to have a value of approximately \$385,000 or slightly more. The Court has conducted at least eight (8) hearings by ZOOM since November 10, 2025 and has set the matter for final hearing on two occasions. The Court has encouraged Wife to obtain counsel to assist her in dealing with the case.

The Court has no prior knowledge of either party nor any connection, financially or personally, directly or indirectly, with either party whatsoever. The Court considers this matter to be the determination of an equitable division of a marital estate, and possibly support, which has now been ongoing with the Court for 15 [months].

On September 8, 2026 the Court also received Husband's Motion for Exclusive Possession of Marital Residence, Order Wife to Vacate, and Expedited Sale Procedures, (hereinafter "motion"). In his motion, Husband cites that Wife has told the Realtor that she does not intend to leave the property because she has no where else to go. Wife has declined to make the home available for showings. Husband's motion stated that on Friday, September 4, 2026, the parties received a full priced offer, but Wife refused to respond. Husband has requested that the Wife be required to vacate the home, or that Wife be required to make the home available for showings. The motion also pointed out that Defendant/Wife's seventeen year old son has damaged parts of the home.

The Court has no bias or prejudice for or against either party but desires to bring this matter to a timely resolution. It is evident from the Defendant/Wife's filings that she does not wish to move from the marital home and will take such action as she deems necessary to delay the marketing and sale of the parties' primary asset.

Based upon the foregoing circumstances and statements, the Court denies the Motion to Recuse.

In response, Wife filed this accelerated interlocutory appeal, as well as a motion for a stay pending the outcome of this appeal.

Section 2 of Tennessee Supreme Court Rule 10B governs appeals from denials of motions to recuse. We review a trial court’s denial of a motion for recusal under a de novo standard. TENN. SUP. CT. R. 10B, § 2.01. Our review is limited to the issue of whether the trial court should have granted the petitioner’s motion to recuse. *Elseroad v. Cook*, 553 S.W.3d 460, 462 (Tenn. Ct. App. 2018). Sections 2.05 and 2.06 of Rule 10B permit this Court, in its discretion, to act summarily on a Rule 10B appeal if we determine that the appeal requires no answer, additional briefing, or oral argument. Based upon our review of the petition and supporting documents, we elect to act summarily in this case.

ANALYSIS

Wife essentially asserts that the trial judge should have recused himself because his conduct would cause a reasonable person to question his impartiality.

I. Basic principles applicable to judicial conduct

Under Tennessee law, “litigants are entitled to have cases resolved by fair and impartial judges.” *Cook v. State*, 606 S.W.3d 247, 253 (Tenn. 2020). The Tennessee Rules of Judicial Conduct (“RJC”) provide that judges must “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” TENN. SUP. CT. R. 10, RJC 1.2. These rules further declare that judges “shall perform all duties of judicial office fairly and impartially.” *Id.*, RJC 2.2. To act impartially, a judge must act without “bias or prejudice in favor of, or against, particular parties or classes of parties” and must maintain “an open mind in considering issues that may come before a judge.” TENN. SUP. CT. R. 10.

Rule 2.11(A) of the Rules of Judicial Conduct states: “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” This rule “incorporates the objective standard Tennessee judges have long used to evaluate recusal motions.” *Cook*, 606 S.W.3d at 255. The objective test requires a judge to recuse himself or herself if “‘a person of ordinary prudence in the judge’s position, knowing all of the facts known to the judge, would find a reasonable basis for questioning the judge’s impartiality.’” *Id.* (quoting *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 564 (Tenn. 2001)).

The underlying purpose of “the recusal rules is to ‘to guard against the prejudgment of the rights of litigants and to avoid situations in which the litigants might have cause to conclude that the court had reached a prejudged conclusion because of interest, partiality, or favor.’” *Cain-Swope v. Swope*, 523 S.W.3d 79, 87 (Tenn. Ct. App. 2016) (quoting *Groves v. Ernst-W. Corp.*, No. M2016-01529-COA-T10B-CV, 2016 WL 5181687, at *4-6 (Tenn. Ct. App. Sept. 16, 2016)).

II. Rule 10B procedural requirements

Before considering the merits of Wife's recusal motion, we must address whether certain documents submitted by Wife are properly before this Court.

A party seeking disqualification of a trial judge "shall do so by a written motion," which must be "supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge and by other appropriate materials." TENN. R. SUP. CT. 10B, § 1.01. The motion must state "all factual and legal grounds supporting disqualification of the judge and shall affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." *Id.* If the trial court denies the motion, the moving party may effect an accelerated interlocutory appeal as of right from the trial court's order by filing a timely petition in the appropriate appellate court. *Id.*, § 2.02. Pursuant to section 2.03 of Rule 10B, the petition for recusal "shall be accompanied by a copy of the motion and all supporting documents filed in the trial court, a copy of the trial court's order or opinion ruling on the motion, and a copy of any other parts of the trial court record necessary for determination of the appeal." *Id.*, § 2.03. Rule 10B further provides that these appeals "shall be decided by the appellate court on an expedited basis." *Id.*, § 2.06. In recusal cases, generally the appellate court will have only the record provided by the appellant with his or her petition. *Sukapurath v. Raghavan*, No. W2026-00450-COA-T10B-CV, 2026 WL 1078505, at *2 (Tenn. Ct. App. Apr. 21, 2026).

In the present case, Wife's petition is accompanied by a lengthy appendix, the contents of which we have reviewed. First, the appendix includes a copy of a document entitled "Defendant's Motion for Disqualification or Recusal of Chancellor Louis W. Oliver III Pursuant to Tennessee Supreme Court Rule 10B." The motion includes a "Declaration of Amberly Dawn Betz under Penalty of Perjury," a certificate of service, and seven exhibits. This document, which purports to be Wife's recusal motion filed in the trial court, is not a file-stamped copy. Wife's appendix includes a file-stamped copy of the trial court's order denying her motion to recuse. The remaining documents in her appendix are not file-stamped. A substantial part of the appendix consists of purported partial "transcripts" of hearings before the trial court; these documents were not prepared by a court reporter, filed in the trial court, or approved as statements of the evidence by the trial court. The appendix also includes a purported copy of an order (not file-stamped), objections to a proposed order, e-filing notices, and emails.

As stated above, a Rule 10B petition appealing a trial court's order must include "a copy of the motion and *all supporting documents filed in the trial court.*" TENN. R. SUP. CT. 10B, § 2.03 (emphasis added). This Court's jurisdiction is appellate only, which "necessarily implies that the issue has been formulated and passed upon by the trial court." *Moncier v. Wheeler*, No. E2020-00943-COA-T10B-CV, 2020 WL 4343336, at *4 (Tenn. Ct. App. July 28, 2020) (quoting *Houston v. Scott*, No. E2010-01660-COA-R3-CV,

2012 WL 121104, at *5 (Tenn. Ct. App. Jan. 17, 2012)). We, therefore, examine only the record provided from the trial court, and “we generally cannot consider documents that were not filed with the trial court.” *Id.* In this case, the file-stamped copy of the trial court’s order denying the recusal motion is properly before this Court. The absence of a file-stamped copy of Wife’s recusal motion in the trial court frustrates appellate review because “we cannot conclusively determine that the copies provided by [Wife] as part of the record for our review are copies of the actual documents filed by [Wife] in the trial court” and considered by the trial court. *Smith v. Daniel*, No. M2019-02083-COA-T10B-CV, 2019 WL 6825976, at *1 n.1 (Tenn. Ct. App. Dec. 13, 2019). The remaining documents included in Wife’s appendix cannot properly be considered by this Court.

III. Merits of Wife’s 10B petition

Even if we overlook the deficiencies in Wife’s petition, we find no merit to her assertions concerning the trial court’s order.

In her petition, Wife identifies three issues for our review. First, Wife contends that the trial court erred in denying her recusal motion because the court transformed her requests for “unresolved financial, evidentiary, and procedural determinations into a judicial narrative of delay and obstruction” and that “the cumulative course of proceedings would cause a person of ordinary prudence, knowing all relevant facts, reasonably to question the Court’s impartiality.” Second, Wife asserts that the trial court’s order denying recusal “reinforced the appearance concern” by “preferentially using Plaintiff’s unresolved factual positions” and “incorporating allegations first filed after Appellant moved for recusal.” Third, Wife alleges that, after she filed her recusal motion in the trial court, the trial judge took steps “for the purpose of scheduling a hearing” and questions whether such conduct would comply with Rule 10B. The third issue identified in Wife’s petition in this Court was not argued in her recusal motion at the trial level. With respect to the second issue, Wife’s argument concerning the trial court’s alleged reliance on allegations first made after she moved for recusal was not included in her recusal motion. This Court must limit its “review on appeal to the matters [Wife] raised in her motion for recusal before the trial court.” *Smith*, 2019 WL 6825976, at *3. Therefore, we will confine our review to the issues argued in Wife’s recusal motion.

In her petition, Wife relies heavily upon the content of various hearings before the trial court prior to her motion for recusal. In her petition, she quotes statements allegedly made by the trial court at these hearings and summarizes what occurred at the hearings. Yet, Wife has not provided this Court with a transcript or statement of the evidence from any of these hearings. If “no transcript or statement of the evidence is filed, the appellate court is required to presume that the record, had it been properly preserved, would have supported the action of the trial court.” *Burkhart v. Burkhardt*, No. M2023-01390-COA-T10B-CV, 2023 WL 6818637, at *4 (Tenn. Ct. App. Oct. 17, 2023) (quoting *Short v. Alston*, No. W2022-00666-COA-R3-CV, 2023 WL 5294531, at *3 (Tenn. Ct. App. Aug.

17, 2023)). In the absence of these transcripts, “we have no evidence from which we could determine that the trial court’s ruling was erroneous.” *Id.* Wife also did not include a copy of the orders from any of these hearings with her petition.

In its order denying Wife’s recusal motion, the trial court summarized the relevant hearings and procedural background as follows:

On February 18, 2026, the Court directed a schedule and established various deadlines for the case. Mediation was to be completed by June 30, 2026, and the case was set for final hearing on August 12, 2026, over 14 months after the divorce was filed.

At a hearing on June 1, 2026 and by Order entered June 15, 2026, the Court found that the value of the marital home was \$1,050,000 with debt of \$500,000. The Court ordered the marital property to be listed for sale and that if the Defendant/Wife had the ability to purchase the residence that there would be an exception placed in the real estate listing contract to allow Wife to purchase Husband’s interest without having to pay the realtor fee. Wife was to remain in possession of the real property for the present time and maintain it in a condition that it could be effectively shown to prospective buyers.

There was difficulty by the parties in preparing federal income tax returns related to the Dog Watch business and the Court ordered the parties to cooperate in the preparation of the taxes and the utilization of the business bank account. The trial of the matter remained set for August 12, 2026.

Defendant/Wife continued to oppose the Court’s order to place the marital home for sale and filed a lengthy “Defendant’s Emergency Motion to Stay Sale-Related Implementation of June 1, 2026 Order and to Alter, Amend, Revise, or Clarify Order.” Wife desired to delay the sale of the marital home. The Court conducted a hearing on July 6, 2026 to hear Wife’s emergency motion to stay regarding the order to place the house on the market, among other things. The Defendant/Wife admitted in the hearing that the house needs to be sold. The parties agreed on a real estate listing agent, and the Court set another hearing at the request of the Defendant/Wife for July 21, 2026 for the real estate agent to offer her recommendations regarding the sale of the house, and for the Court to consider the value of the Dog Watch business. The Court then continued the trial from August 12, 2026 to a new trial date of October 29, 2026.

At the hearing on July 21, 2026, the Court again heard testimony from the parties regarding the sale including removal of an inoperable car from the

garage, establish an “as-is” listing price of \$995,900, and for the Defendant/Wife’s four dogs roaming in and around the house to be put up when the home is shown to prospective buyers. Defendant/Wife also indicated that her motor vehicle was currently inoperable, and the Court ordered the Wife’s vehicle be taken to the local Jeep dealer to be repaired at the expense of the Plaintiff/Husband if the cost of repair did not exceed \$7,500.

Husband provided his value of the Dog Watch business at \$385,000. However, Wife had not yet provided her value of the business. The Court again expressed its concern regarding Wife’s apparent attempts to delay the process. The Court set another status conference for August 10, 2026.

The day of the hearing, on August 10, 2026, Defendant/Wife filed “Defendant’s Emergency Motion to Stay Implementation of the Marital Residence Marketing and Listing for Status Conference” citing unforeseen emergencies related to mental health issues regarding the Defendant/Wife’s children. At the hearing, the Court ordered the house listed by September 1, 2026, dealt with issues regarding the status of a tenant in the barn on the marital property, addressed necessary repairs to the house, provided that a 24 hour notice be given to Defendant/Wife before showing the house to prospective buyers, and again addressed the status of Defendant/Wife’s motor vehicle.

The Court received the proposed Order from the August 10, 2026 hearing from the Plaintiff/Husband’s attorney Mr. Widrig on August 21, 2026 in the Court’s Tybera account. The local rule provides the Court to hold a proposed order for five (5) business days before entry. On many prior occasions Defendant/Wife has proposed alternative competing orders. In fact, Defendant/Wife proposed a competing order on August 27, 2026 for the Court’s August 10, 2026 hearing.

On August 24, 2026, the Court received by U.S. Mail a Notice from the Tennessee Court of Appeals that Defendant/Wife had filed an initiating document for an Extraordinary Appeal under Tennessee Rules of Appellate Procedure 10, seeking an extraordinary appeal by permission on original application to the Appellate Court.^[1] The Trial Court was unaware of the specific content of any appeal taken by the Defendant/Wife in the Court of Appeals. On the same day, the Clerk of the Court received Notice-Motion-Stay (Review of TCT Order TRAP 7). The Court again was unaware of the

¹ This Tenn. R. App. P. 10 application for an interlocutory appeal was denied by this Court on September 9, 2026.

nature of what the Defendant/Wife had filed with the Court of Appeals or what relief she was seeking. The Trial Court took no action in signing any order from the August 10, 2026 hearing until a determination could be made by the Trial Court as to the nature of the Defendant/Wife's filings in the Court of Appeals. Then on August 27, 2026, the Defendant/Wife filed in the Court's Tybera system Defendant's Objection to Plaintiff's Proposed Order Addressing the August 10, 2026 hearing and the Defendant's proposed Order from August 10, 2026 hearing.

The Court took no action on either proposed order, pending a determination as to the status of the matter before the Tennessee Court of Appeals.

Then on September 8, 2026, the Court received the Defendant's Motion for Disqualification or Recusal of Chancellor Louis W. Oliver, III pursuant to Tennessee Supreme Court Rule 10B which the Court now addresses.

Without a transcript or statement of the evidence, the trial court's summary of the relevant hearings and course of proceedings is conclusive.

In her characterization of the court's decisions, Wife emphasizes that the trial court initially rejected Husband's argument that she was attempting to delay the valuation of the business and/or sale of the house. She then argues that, "Over the ensuing months, however, unresolved financial, evidentiary, and implementation issues increasingly became characterized as repetition, inactivity, crisis, delay, and obstruction." Wife asks this Court "to consider how these unresolved matters were treated and how the judicial characterization of her motive progressively hardened." Contrary to Wife's reasoning, however, the trial court was performing its proper function, not displaying a lack of impartiality, by assessing Mother's credibility and evaluating the validity of her positions as the hearings went along. In order to perform his or her role, a judge must necessarily "form[] an opinion of litigants and issues based on what is learned in the course of judicial proceedings." *Cain-Swope*, 523 S.W.3d at 89 (quoting *Groves*, 2016 WL 5181687, at *5). To be grounds for disqualification, a trial judge's "bias or prejudice must come from an extrajudicial source and not result from the judge's impressions during trial." *Eldridge v. Eldridge*, 137 S.W.3d 1, 7 (Tenn. Ct. App. 2002). Thus, "an opinion formed on the basis of what a judge properly learns during judicial proceedings, and comments that reveal that opinion, are not disqualifying unless they are so extreme that they reflect an utter incapacity to be fair." *Cain-Swope*, 523 S.W.3d at 89.

Wife specifically points to "factual assertions" allegedly made during the August 10 hearing, when Husband's counsel represented to the trial court that Husband would be willing to return from Pennsylvania, move into the marital home, take responsibility for

the property, and prepare it to be sold. Wife objected to counsel's representation because "it sounded like testimony" and asserts that "the substance of the representation was then used as the factual premise for asking whether she would surrender possession." As previously stated, without a transcript or statement of the evidence, we must presume that the record supports the trial court's decision. Moreover, the trial court's reliance on counsel's statement of Husband's position in the litigation with respect to moving back to manage the marital property does not evidence any type of bias or impropriety.

Wife also argues that the trial court's order denying recusal "reinforced the appearance concern by converting unresolved factual matters into categorical conclusions, preferentially using Plaintiff's unresolved factual positions." In its ruling, the trial court described one of the two main assets of the marriage to be "a marital business which appears to have a value of approximately \$385,000 or slightly more." As Wife correctly points out, the value of the business had not been determined at the time of her recusal motion. The trial court's order does not, however, reach a conclusion about the value of the business or adopt Husband's valuation. Rather, the court was describing the litigation and the primary assets to be equitably divided.

Wife also objects to the trial court's references in its recusal order to her inability to purchase Husband's share of the marital home, the approximate equity in the marital home, and "a marriage of less than 10 years." In the context of the trial court's recusal order, none of these statements constitutes a factual finding or conclusion. Rather, the trial court describes the marriage and the dispute for purposes of ruling on the motion to recuse. Because the parties are in the middle of divorce litigation, the trial court necessarily relied on the proof it had heard so far. Thus, the court stated, "Based upon the prior hearings, the Wife will be unable to purchase the Husband's interest in the marital home which is valued at \$1,050,000.00 per the appraisal numbers submitted to the Court at the hearing on June 1, 2026." Wife asserts that the parties "had been married approximately eleven years," and points out that the duration of the marriage is a statutory factor in property division and alimony determinations. The trial court has not yet, however, engaged in the division of marital assets or the alimony determination. The Wife's assertion, based upon isolated statements in the trial court's order, that "the denial relied on another legally relevant factual premise inconsistent with the record presented to the Court" finds no support in the record.

Finally, Wife argues that her "self-represented status increasingly entered the Court's criticism of her litigation conduct." We recognize, as did the trial court, that Wife is proceeding pro se in this case. This Court has previously addressed the standards applicable to pro se litigants and emphasized that "[p]arties who decide to represent themselves are entitled to equal treatment by the court." *Lacy v. Mitchell*, 541 S.W.3d 55, 59 (Tenn. Ct. App. 2016). At the same time, courts must "be mindful of the boundary between fairness to the pro se litigant and unfairness to the pro se litigant's adversary." *Id.* Thus, "[w]hile the court should give pro se litigants who are untrained in the law a certain

amount of leeway in drafting their pleadings and briefs, it must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Id.* (citing *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003)).

With respect to her pro se status, Wife specifically refers to the July 21 hearing and asserts that “the Court stated that there were things typically done in these cases that Appellant was not doing because she apparently did not know to do them and that she was ‘suffering as a result of it.’” Further, according to Wife, the trial court observed that, “if there was ever a person who needed counsel, Appellant was one, and that she kept ‘digging [herself] a deeper and deeper hole.’” Wife argues that these alleged remarks “are part of the cumulative context in which Appellant’s attempts to preserve and present her position increasingly became associated with criticism of her pro se status.” We respectfully disagree. As previously stated, we must presume without a transcript or statement of the evidence that the record supports the trial court’s decision. While a trial court must be fair to pro se litigants, the court must also apply the same procedural rules to both sides of a case. In its order denying recusal, the trial court expressed its opinion, based upon Wife’s pleadings, that she “continues to utilize artificial intelligence (AI) to guide her through the divorce process.” The trial court further “expressed its concern regarding Wife’s apparent attempts to delay the process.” The trial court’s frustration with Wife’s lack of legal representation and knowledge does not evidence bias or a lack of impartiality.

Wife has presented this Court with no evidence of bias “stemming from ‘extrajudicial sources’ or any bias that is sufficiently pervasive so as to deny [her] a fair trial.” *Harvey v. City of Memphis*, No. W2025-01145-COA-T10B-CV, 2025 WL 2402063, at *6 (Tenn. Ct. App. Aug. 19, 2025) (quoting *McKenzie v. McKenzie*, No. M2014-00010-COA-T10B-CV, 2014 WL 575908, at *3 (Tenn. Ct. App. Feb. 11, 2014)). Thus, even assuming that Wife did not waive the recusal issue by failing to comply with the procedural requirement of Rule 10B, we find no basis upon which “the judge’s impartiality might reasonably be questioned.” TENN. SUP. CT. R. 10, RJC 2.11(A).

CONCLUSION

The judgment of the trial court is affirmed. Costs of this appeal are assessed against the appellant, Amberly Dawn Betz, for which execution may issue if necessary. Wife’s motion for a stay is denied.

/s/ Andy D. Bennett
ANDY D. BENNETT, JUDGE