

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 27, 2014 Session

MALINDA ANNETTE STILLS v. CHADBURN OBER HARMON

**Appeal from the Circuit Court for Greene County
No. 14CV117 Douglas T. Jenkins, Judge**

No. E2014-01180-COA-R3-CV - Filed August 27, 2014

This is an appeal from a Restraining Order entered on May 20, 2014. The Notice of Appeal was not filed until June 20, 2014, thirty-one (31) days after the date of entry of the Restraining Order. 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

THOMAS R. FRIERSON, II, J., CHARLES D. SUSANO, JR., C.J., AND D. MICHAEL SWINEY, J.

Kristi J. Murray, Johnson City, Tennessee, for the appellant, Malinda Annette Stills.

Roger Alan Woolsey, Greeneville, Tennessee, for the appellee, Chadburn Ober Harmon.

MEMORANDUM OPINION¹

By order entered on July 31, 2014, the Court directed the appellant to show cause why this appeal should not be dismissed for lack of jurisdiction based upon the untimely filing of the Notice of Appeal. Counsel for the appellant has filed no response to the show cause order.

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

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

In order to be timely, a notice of appeal must “be filed with and received by the clerk of the trial 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).

Because the Notice of Appeal in this case was filed more than thirty (30) days after the date of entry of the order on review, we lack jurisdiction to consider the appeal. This appeal is dismissed. Neither party is taxed with the costs on appeal. *See* Tenn. Code Ann. § 36-3-617(a); *Furlong v. Furlong*, 370 S.W.3d 329, 341 (Tenn. Ct. App. 2011). This cause is remanded to the trial court for collection of costs assessed at that level.

PER CURIAM