

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
June 5, 2026 Session

**FILED**  
06/08/2026  
Clerk of the  
Appellate Courts

**SHERRY KELTCH EX REL. CHARLES KELTCH v. CANDICE MARIE  
WILLIAMS ET AL.**

**Appeal from the Circuit Court for Rhea County  
No. 25-CV-50      John Harvey Cameron, Judge**

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**No. E2026-00607-COA-R3-CV**

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This is an appeal from a final order entered on March 23, 2026. The notice of appeal was not filed with the Appellate Court Clerk until April 23, 2026, 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.

John M. Deakins, Dayton, Tennessee, for the appellant, Keltch Sherry.

Michael R. Campbell, Chattanooga, Tennessee, for the appellees, Ray M. Hazel and Candice Marie Williams.

**MEMORANDUM OPINION<sup>1</sup>**

The Rhea County Circuit Court (“Trial Court”) entered a final judgment on March 23, 2026. The Trial Court’s March 23, 2026 order was certified by the Trial Court as a final judgment upon its finding that there was no just reason for delay of entry of a final

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<sup>1</sup> 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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

judgment. On April 23, 2026, the appellant, Sherry Keltch, individually and as next of kin for Charles L. Keltch, deceased (“Appellant”), electronically filed a notice of appeal in this case, in which Appellant states that she is seeking to appeal the March 23, 2026 order from the Trial Court.

On May 6, 2026, the appellee, Hazel M. Ray, filed a motion to dismiss this appeal arguing that the notice of appeal was untimely filed by Appellant. Appellant attached the trial court’s March 23, 2026 order to its motion, as well as the notice of appeal filed by Appellant. To date, Appellant has not filed a response to the motion to dismiss. The notice of appeal in this case was filed on April 23, 2026, thirty-one days after entry of the Trial Court’s March 23, 2026 order, which was certified as a final judgment pursuant to Tennessee Rule of Civil Procedure 54.02.

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. The appellee’s motion to dismiss this appeal is hereby granted, and this appeal is dismissed. Costs on appeal are taxed to the appellant, Sherry Keltch, individually and as next of kin for Charles L. Keltch, deceased, for which execution may issue if necessary.

**PER CURIAM**