

IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON  
October 18, 2013 Session

**ALLISON JACOB v. ALEXIS PARTEE, ET AL.**

**Circuit Court for Shelby County  
No. CT-004519-10**

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**No. W2013-01078-COA-R3-CV - Filed October 30, 2013**

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**SEPARATE CONCURRENCE**

I concur fully in the result in this case as well as in the reasoning espoused to reach such. However, I write separately to clarify this Court's holding in *Jacob I*. The majority implies that *Jacob I* required the filing of an appeal bond "with no monetary limit" to satisfy the requirements of section 27-5-103. Such was not the holding in *Jacob*.

In *Jacob*, we held that section 27-5-103 requires "an appeal bond which secures all costs incurred throughout the appeal, as opposed to an initial appeal filing fee[.]" ***Jacob I***, 389 S.W.3d at 343. Because the costs of the appeal are unknown at the time of commencing the appeal, the statute requires a litigant to secure a bond to cover all court costs incurred throughout the appeal. The statute does not require an unlimited bond as the bond amount is necessarily limited to the not-yet-known court costs.

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ALAN E. HIGHERS, P.J., W.S.