

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs September 19, 2001

MARTA MONZON v. MIGUEL ANGEL MONZON

**Appeal from the Circuit Court for Hamilton County
No. D57538 L. Marie Williams, Judge**

FILED OCTOBER 31, 2001

No. E2000-03155-COA-R3-CV

The appellant, Marta Monzon, filed her notice of appeal more than 30 days after the entry of the trial court's final judgment. As a consequence of this late filing, we are without jurisdiction to hear this appeal. Accordingly, the appeal is dismissed.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed; Case Remanded

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which HOUSTON M. GODDARD, P.J., and D. MICHAEL SWINEY, J., joined.

Marta Monzon, Collegedale, Tennessee, Pro Se.

No appearance by appellee.

MEMORANDUM OPINION¹

This is a post-divorce proceeding. Following hearings on August 3, 2000, and October 16, 2000, the trial court entered an order on October 18, 2000. Ms. Monzon filed a notice of appeal on December 18, 2000.

The notice of appeal was not timely filed. Tenn. R. App. 4(a) clearly provides that the "notice of appeal required by [Tenn. R. App. P.] 3 shall 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." In the instant

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

case, the notice of appeal was filed *more* than 30 days after the entry of the trial court’s judgment. We are without authority to extend the “time for filing a notice of appeal prescribed in [R]ule 4.” Tenn. R. App. P. 2. Furthermore, we cannot “enlarge the time for filing” the notice of appeal. Tenn. R. App. P. 21(b). “This Court lacks jurisdiction to hear and decide a case if the notice of appeal is not timely filed.” *Begley Lumber Co. v. Trammell*, 15 S.W.3d 455, 456 (Tenn. Ct. App. 1999), *perm. app. denied* March 6, 2000.

This appeal is dismissed at the costs of Marta Monzon. This case is remanded for enforcement of the trial court’s judgment and for collection of costs assessed below, all pursuant to applicable law.

CHARLES D. SUSANO, JR., JUDGE