

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE  
August 7, 2007 Session

**DEBORAH ANN WHITE v. DEWEY WAYNE WHITE**

**Direct Appeal from the Chancery Court for Lawrence County**  
**No. 12596-05     Hon. Jim T. Hamilton, Chancellor**

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**No. M2006-01233-COA-R3-CV - Filed September 20, 2007**

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This is an appeal from a judgment that was not final. This Court ordered that a final judgment be entered with a copy filed in the record before us, which the appellant has failed to do. Accordingly, the appeal is dismissed.

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

HERSCHEL PICKENS FRANKS, P.J., delivered the opinion of the court, in which D. MICHAEL SWINEY, J., and SHARON G. LEE, J., joined.

Randy Hillhouse, Lawrenceburg, Tennessee, for Appellant.

Paul A. Bates, Lawrenceburg, Tennessee, for Appellee.

**OPINION**

The record of this case from the Trial Court was received in the Clerk's office on October 24, 2006.

This Court, in an Order dated October 25, 2006, stated that "within sixty (60) days following the entry of this order, the appellant either obtain a final order from the trial court and cause the order to be transmitted to this court in a certified supplemental record or else show cause why this appeal should not be dismissed for lack of a final order."

This Order was necessitated because the Trial Court in its Judgment it made on April 4, 2006 states, in pertinent part:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Dewey Wayne White, will provide documentation of the balance of his retirement account on the date of marriage, September 14, 2001, as well as documentation of the current balance and the Court reserves the issue of division of same.

In an apparent response to this Court's Order, a copy of the Order entered by the Trial Court on October 11, 2006 was filed on December 6, 2006 in the Clerk's Office. That Order dealt with a "review of the defendant's punishment for contempt" and did not comply with the Order of this Court.

The record before us does not establish that a final judgment has been entered in this case, and the failure of appellant to comply with the Order of this Court to "obtain a final order from the Trial Court and cause the same to be transmitted to this Court" forms a basis to dismiss this appeal.

The appeal is dismissed and the cause remanded with the cost of the appeal assessed to Dewey Wayne White.

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HERSCHEL PICKENS FRANKS, P.J.