

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED
January 14, 1999
Cecil Crowson, Jr.
Appellate Court
Clerk

BARRY ALAN SPRUCE,) C/A NO. 03A01-9807-CV-00211
)
Plaintiff-Appellee,)
)
)
)
)
v.) APPEAL AS OF RIGHT FROM THE
) KNOX COUNTY CIRCUIT COURT
)
)
)
)
LORI JEAN SPRUCE,)
) HONORABLE RICHARD R. BAUMGARTNER,
Defendant-Appellant.) JUDGE, By Interchange

OPINION AND ORDER ON
PETITION FOR REHEARING

The appellant has filed a petition for rehearing pursuant to the provisions of Rule 39, T.R.A.P. In partial support of her petition, the appellant relies upon documents in a supplemental record certified to us by the trial court clerk on December 7, 1998 -- *some 13 days after our opinion was released.* It should also be noted that the appellant failed to obtain our permission or the permission of the trial court to supplement the record. See Rule 24(e), T.R.A.P. Having said all of this, we

hasten to add that there is nothing in the supplemental record that changes our basic holdings, *i.e.*, that the appellant's Rule 60 motion is an attempt to render the trial court's divorce judgment of April 14, 1994, invalid and ineffective; that the motion was not timely filed; and that the appellant failed to show a proper basis for Rule 60 relief. Accordingly, the petition for rehearing is DENIED with costs taxed to the appellant.

IT IS SO ORDERED.

ENTER:

Charles D. Susano, Jr., J.

CONCUR:

Houston M. Goddard, P.J.

Don T. McMurray, J.