

FILED

07/27/2023

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
July 26, 2023 Session

**RACHEL KARRIE BRYANT RAMSEY v.
NATHAN LYNN BRYANT ET AL.**

**Appeal from the Chancery Court for Greene County
Nos. 2019-CV-39, 2018-CV-352, CC18CV184BB Douglas T. Jenkins, Chancellor**

No. E2022-01503-COA-R3-CV

The notice of appeal filed by the appellants, Nathan Lynn Bryant and Melissa Bryant, stated that appellants were appealing the judgment entered on September 27, 2022. Inasmuch as the order appealed from does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal.

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

THOMAS R. FRIERSON, J.; JOHN W. MCCLARTY, J.; and KRISTI M. DAVIS, J.

Matthew A. Grossman and Rebekah P. Harbin, Knoxville, Tennessee, for the appellants, Nathan Lynn Bryant and Melissa Bryant.

H. Scott Reams, Morristown, Tennessee, for the appellee, Rachel Karrie Bryant Ramsey.

MEMORANDUM OPINION¹

Pursuant to the requirements of Rule 13(b) of the Tennessee Rules of Appellate Procedure, this Court directed the appellants to show cause why this appeal should not be

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

dismissed for lack of subject matter jurisdiction after it became clear that there was no final judgment from which an appeal as of right would lie. “A final judgment is one that resolves all the issues in the case, ‘leaving nothing else for the trial court to do.’” *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). This Court does not have subject matter jurisdiction to adjudicate an appeal as of right if there is no final judgment. *See Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990) (“Unless an appeal from an interlocutory order is provided by the rules or by statute, appellate courts have jurisdiction over final judgments only.”).

Appellants failed to respond to this Court’s show cause order. The complaint filed in 2018 in case number CC18CV184BB states as follows in paragraphs B, D, E, and F of the prayer for relief:

B. That the Court find that the 248.5 acre Arrington farm and the 23.5 acre tract deeded therefrom cannot be partitioned in kind and should be sold by the Court or by a real estate firm appointed by the Court or selected by the parties, as it cannot be divided in kind so that each party would have equivalent value;

* * *

D. That the Court should further find that Anthony Arrington is the owner of an undivided one-half interest in the 23.5 acre tract deeded by Barbara Bryant to Nathan and Melissa Bryant, for which he is entitled to ongoing fair market rental value, and \$20,000.00 and accruing interest;

E. That he be awarded damages, and, from the sales proceeds of the farm, Plaintiff should receive \$50,000.00 to catch him up for the 7.78 acre tract conveyed by his mother to Barbara Bryant in 2002, and that he should have and recover not less than \$75,000.00 for money wrongfully taken by Barbara Bryant in various ways from Nuffie Arrington before and after her death, and not less than \$20,000.00 for the rental value of the Arrington residential tract to date;

F. That the Court should further find that the Defendants Nathan Bryant and Melissa Bryant have intentionally and tortiously induced Barbara Bryant to breach the terms of an agreement, by which he is damaged, and that he should be awarded treble damages of \$300,000.00 and attorney’s fees;

The order appealed from does not appear to be a final appealable judgment because the record is devoid of an order or orders addressing these claims.

“Except where otherwise provided, this Court only has subject matter jurisdiction over final orders.” *Foster-Henderson v. Memphis Health Center, Inc.*, 479 S.W.3d 214, 222 (Tenn. Ct. App. 2015). Inasmuch as the order appealed from does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal. The appeal is hereby dismissed. Costs on appeal are taxed to the appellants, Nathan Lynn Bryant and Melissa Bryant, for which execution may issue.

PER CURIAM