

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

IN RE: ESTATE OF MINA RHEA MARTIN

**Appeal from the Probate Court for Monroe County
No. 2010-064 Hon. J. Reed Dixon, Judge**

No. E2012-00965-COA-R3-CV-FILED-SEPTEMBER 18, 2012

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

HERSCHEL PICKENS FRANKS, P.J., CHARLES D. SUSANO, JR., J., and JOHN W. MCCLARTY, J.

Ginger Wilson Buchanan, Cleveland, Tennessee, for appellant, Teresa Rucker, Personal Representative of the Estate.

L. Vincent Williams, Office of the Attorney General, Nashville, Tennessee, for appellee, State of Tennessee, Bureau of TennCare.

MEMORANDUM OPINION¹

In this action, the Estate has appealed to this Court the denial of an exception to appellee's claim.

A show cause order was entered in this Court on August 29, 2012, directing counsel

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 When a case is decided by memorandum opinion it shall be designated 'MEMORANDUM OPINION,' shall not be published, and shall not be cited or relied on for any reason in any unrelated case"

for the appellant to show cause why this appeal should not be dismissed for lack of jurisdiction, based upon the untimely filing of the Notice of Appeal. Counsel for the appellant has failed to respond to the show cause order within the time specified in that order.

An untimely notice of appeal deprives this Court of jurisdiction. *See* Tenn. R. App. P. 4(a). Also see *Cobb v. Beier*, 944 S.W.2d 343, 344 n.2 (Tenn. 1997).

It is therefore Ordered and Adjudged that this appeal be and hereby is dismissed. The costs of the appeal are assessed to the Estate of Mina Rhea Martin.

PER CURIAM