

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

FILED

10/25/2023

Clerk of the
Appellate Courts

IN RE ESTATE OF GREGORY B. JOHNSON

Appeal from the Probate Court for Shelby County
No. PR-23855 Kathleen N. Gomes, Judge

No. W2023-00432-COA-R3-CV

Appellants, Amelia Vaughn and Gemelia Johnson appeal the March 3, 2023 order of the Shelby County Probate Court. Because the order appealed is not a final judgment, this Court lacks jurisdiction to consider the appeal. Tenn. R. App. P. 3(a). The appeal is dismissed.

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

J. STEVEN STAFFORD, P.J., W.S.; KENNY ARMSTRONG, J.; CARMA DENNIS MCGEE, J.

Amelia Vaughn and Gemelia Johnson, Memphis, Tennessee, Pro Se.

Aubrey L. Brown, Jr., Memphis, Tennessee, for the Appellee, Estate of Gregory B. Johnson.

MEMORANDUM OPINION¹

Pursuant to the requirements of Rule 13(b) of the Tennessee Rules of Appellate Procedure, on June 26, 2023, the Court directed Appellants to show cause why this appeal

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

should not be 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.”).

Specifically, Appellants appealed an order of the probate court entered on March 3, 2023, which authorized and directed a bank to release funds of the decedent to the Administrator of the decedent’s estate. This is not a final order, as it does not resolve any claims between any parties. Although Appellants filed a response to this Court’s June 26, 2023 Show Cause Order, the response failed to show good cause why this appeal should not be dismissed for lack of a final judgment. On September 5, 2023, this Court gave Appellants another opportunity to explain how the order appealed constitutes a final judgment. Again, Appellants filed a response to this Order, but the response fails to show good cause why this appeal should not be dismissed.

In the absence of final judgment, this Court lacks jurisdiction to consider this appeal. Tenn. R. App. P. 3(a). Thus, the appeal is hereby DISMISSED. Costs on appeal are taxed to Appellants, Amelia Vaughn and Gemelia Johnson, for which execution may issue.

PER CURIUM