

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
February 10, 2026

FILED

02/12/2026

Clerk of the
Appellate Courts

JACOB DANIEL HEADY v. SADIE ROSE HEADY

Appeal from the Circuit Court for Montgomery County
No. CC-25-CV-1198 Matthew Joel Wallace, Judge

No. M2025-02102-COA-R3-CV

This is an appeal from a final decree of divorce. Because the appellant did not file her notice of appeal within thirty days after entry of the final decree as required by Tennessee Rule of Appellate Procedure 4(a), we dismiss the appeal.

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

ANDY D. BENNETT, W. NEAL MCBRAYER, and JEFFREY USMAN, JJ.

Sadie Rose Heady, Lafayette, Tennessee, pro se.

Katie Bell Klinghard, Red Boiling Springs, Tennessee, for the appellee, Jacob Daniel Heady.

MEMORANDUM OPINION¹

Sadie Rose Heady has filed a notice of appeal from a final decree of divorce entered on September 26, 2025. The appellee, Jacob Daniel Heady, has moved to dismiss the appeal as untimely. Mr. Heady also requests an award of attorney's fees incurred on appeal.

Tennessee Rule of Appellate Procedure 4(a) requires that a notice of appeal be filed with the clerk of the appellate court within thirty (30) days after entry of the judgment appealed. Ms. Heady did not file her notice of appeal until November 26, 2025, sixty-one (61) days after entry of the final decree. Ms. Heady has not filed a response in opposition to the motion to dismiss.

¹ Under Tennessee Court of Appeals Rule 10, a case decided by memorandum opinion shall not be published and shall not be cited or relied on for any reason in any unrelated case.

The thirty-day time limit for filing a notice of appeal is mandatory and jurisdictional. *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004); *Binkley v. Medling*, 117 S.W.3d 252, 255 (Tenn. 2003). This Court can neither waive nor extend the time period. TENN. R. APP. P. 2, 21(b); *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d 856, 868 n.1 (Tenn. Ct. App. 2008); *Jefferson v. Pneumo Servs. Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985). The failure to file a timely notice of appeal deprives this Court of jurisdiction to hear the matter. *Flautt*, 285 S.W.3d at 869 n.1.

The appeal is dismissed for failure to file a timely notice of appeal. The case is remanded to the trial court for further proceedings consistent with this opinion including consideration of Mr. Heady's request for attorney's fees. Ms. Heady is taxed with the costs for which execution may issue.

PER CURIAM