

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
December 11, 2001 Session

**SUSAN KLAMON WHITON (LEEDOM) v. ALAN LOUIS WHITON**

**Appeal from the Circuit Court for Sevier County  
No. 88-109-I Ben W. Hooper, III, Judge**

**FILED JULY 18, 2002**

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**No. E2000-00467-COA-R3-CV**

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**DISSENTING OPINION**

The majority relied upon *Gallaher v. Elam*, E2000-02719-COA-R3-CV (January 29, 2002) to hold that Tenn. Com. R. & Regs. 1240-2-4-.03(4) is unconstitutional and void. I respectfully dissent from this holding and herein rely on my Dissenting Opinion filed in the *Gallaher* case.

I otherwise concur with the majority.

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HERSCHEL PICKENS FRANKS, J.