

IN THE COURT OF APPEALS
AT KNOXVILLE

FILED

October 30, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

RAY PLEASANT)	SULLIVAN COUNTY
)	03A01-9804-CH-00117
Plaintiff-Appellee)	
)	
v.)	HON. R. JERRY BECK,
)	JUDGE
)	
MICHAEL J. REPASS and)	
PAMELA S. REPASS)	
)	
Defendants-Appellants)	AFFIRMED AND REMANDED

TIMOTHY E. SCOTT OF KINGSPORT FOR APPELLANT

WILLIAM K. ROGERS OF KINGSPORT FOR APPELLEE

O P I N I O N

Goddard, P.J.

This appeal had its genesis in a real estate transaction wherein Defendants-Appellants Michael J. Repass and his wife Pamela S. Repass sold a tract of land to Plaintiff-Appellee Ray Pleasant. A judgment in favor of Mr. Pleasant in the amount of \$22,224.70 was granted upon the theory that the Defendants had misrepresented certain material matters in the sale of the property.

The evidence adduced below was not preserved by a transcript or statement of the evidence. Under these circumstances an appellate court must conclusively presume the evidence was sufficient to justify the judgment. Trane Co. v. Morrison, 566 S.W.2d 849 (Tenn.1978); Daniel v. Metropolitan Government, 696 S.W.2d 8 (Tenn.App.1985).

For the foregoing reason the judgment of the Trial Court is affirmed and the cause remanded for collection of the judgment and costs below. Costs of appeal are adjudged against Mr. and Mrs. Repass and their surety.

Houston M. Goddard, P.J.

CONCUR:

Herschel P. Franks, J.

Don T. McMurray, J.