

IN THE COURT OF APPEALS OF TENNESSEE
EASTERN SECTION

FILED

October 2, 1995

Cecil Crowson, Jr.
Appellate Court Clerk

J. T. HOLT and wife)
GERTRUDE HOLT and) GREENE COUNTY
DENNIS HOLT) 03A01-9505-CH-00161
)
)
Plaintiffs - Appellees)
)
)
v.) HON. DENNIS H. INMAN,
) CHANCELLOR
)
)
OPAL TOLLIVER and)
FREDDY L. SMELCER)
)
)
Defendants - Appellants) AFFIRMED AND REMANDED

FRANCIS X. SANTORE and FRANCIS X. SANTORE, JR., OF GREENEVILLE
FOR APPELLANTS

KYLE K. KING and K. KIDWELL KING, JR., OF GREENEVILLE FOR
APPELLEES

O P I N I O N

Goddard, P. J.

This is a suit to determine the boundary line between the Plaintiffs' and the Defendants' property and to confirm that the Plaintiffs have a right-of-way over the property of the Defendants.

The Trial Court found adversely to the Defendants' contention as to the location of the boundary line and the existence of the right-of-way, resulting in this appeal which contends the Trial Court was in error in both respects.

Our review of the record persuades us this is an appropriate case for affirmance under Rule 10(a) of this Court.¹

The Chancellor is accordingly affirmed and the cause is remanded for such further proceedings, if any, as may be necessary and collection of costs below. Costs of appeal are adjudged against the Defendants.

Houston M Goddard, P. J.

CONCUR:

Don T. McMirray, J.

¹ Rule 10. (a) Affirmance Without Opinion. The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

(1) the Court concurs in the facts as found or as found by necessary implication by the trial court.

(2) there is material evidence to support the verdict of the jury.

(3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a)."

Charles D. Susano, Jr., J.