

IN THE COURT OF APPEALS OF TENNESSEE

ESTATE OF WALTER I. BATES,) C/A NO. 03A01-9601-CH-00030
) POLK COUNTY CHANCERY COURT
 Plaintiff-Appellee,)
)
)
)
)
 v.) HONORABLE EARL H. HENLEY,
) CHANCELLOR
)
)
)
 GLENDA DAWSON,)
)
)
 Defendant-Appellant.) AFFIRMED AND REMANDED

FILED
June 10, 1996
Cecil Crowson, Jr.
Appellate Court Clerk

JAMES HARVEY STUTTS of DIXON & STUTTS, Sweetwater, for Appellant
 B. PRINCE MILLER, JR., Cleveland, for Appellee

M E M O R A N D U M O P I N I O N¹

Susano, J.

This is a suit on a promissory note. After a bench trial, the court below awarded the plaintiff a judgment for

¹Rule 10(b) of the Rules of the Court of Appeals provides as follows:

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case.

\$16,083.68 and the defendant appealed. The only issue on this appeal is whether the evidence preponderates against the trial court's judgment. See Rule 13(d), T.R.A.P. The trial court's findings in this case are dependent on its determination regarding the credibility of the witnesses. In such a case, a trial court's findings "are entitled to great weight." **Galbreath v. Harris**, 811 S.W.2d 88, 91 (Tenn. App. 1990). Our *de novo* review of the record does not persuade us that the evidence preponderates against the trial court's factually-driven findings. The judgment below is affirmed. Costs on appeal are assessed against the appellant and her surety. This case is remanded for enforcement of the judgment and collection of costs assessed below, all pursuant to applicable law.

Charles D. Susano, Jr., J.

CONCUR:

Houston M. Goddard, P.J.

Herschel P. Franks, J.