

**IN THE COURT OF APPEALS OF TENNESSEE  
MIDDLE SECTION AT NASHVILLE**

<b>FRANCES JEAN HERNANDEZ,</b>	)	
	)	
Plaintiff/Appellee,	)	Appeal No.
	)	M1999-00967-COA-R3-CV
v.	)	
	)	Davidson County Circuit Court
<b>PHILLIP ANDREUS HERNANDEZ,</b>	)	No. 97D-2557
	)	
Defendant/Appellant.	)	

APPEAL FROM THE DAVIDSON COUNTY CIRCUIT COURT  
AT NASHVILLE, TENNESSEE

HONORABLE MARIETTA SHIPLEY, JUDGE

Joy Marie Sims and Kathy A. Leslie, Nashville, Tennessee, for Appellant.  
Robert Wheeler Rutherford, Nashville, Tennessee, for Appellee.

**MEMORANDUM OPINION**

INMAN, Senior Judge

The appellant owned an undivided one-third interest in a residence prior to his marriage to the appellee. They occupied the residence for about two years, during which time the evidence reveals that the appellee engaged herself in constant repairs, thereby increasing the liveability and value of the residence. She was awarded 75% of the *increase* in the value of this residence during the marriage, of which the appellant complains.

Appellant also complains of the award of attorney fees to the appellee, although recognizing that such an award is in the nature of alimony and thus essentially discretionary with the trial court.

Our standard of review is *de novo* on the record, with a presumption of correctness unless the evidence otherwise preponderates. Rule 13(d), T.R.A.P.

We conclude that this is a proper case for affirmance pursuant to Rule 10, Rules of the Court of Appeals.<sup>1</sup> Costs are assessed to the appellant.

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INMAN, Sr. J.

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CRAWFORD, P.J., W.S.

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LILLARD, J.

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<sup>1</sup>**Affirmance Without Opinion - Memorandum Opinion.** (b) 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 have 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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case. [As amended by order filed April 22, 1992.]