

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
June 2000 Session

WATAUGA INDUSTRIES, INC. v. HARRY W. GREENWELL, ET AL.

**Appeal from the Chancery Court for Carter County
Nos. 23028, 31265, and 21971 G. Richard Johnson, Chancellor**

FILED JULY 19, 2000

No. E1999-00699-COA-R3-CV

HOUSTON M. GODDARD, P.J., concurring.

I concur in the reasoning and the result reached by Judge Swiney's opinion under the record presented in this case. I write separately to express concern regarding T.C.A. 50-7-304(h), which, on its face, could terminate litigants' rights without their ever being notified. In my view such a statute would violate the due process provisions of both the Constitutions of Tennessee and of the United States. However, because this issue was not raised below nor on appeal I am disinclined to raise it *sua sponte*; hence, my concurrence.

HOUSTON M. GODDARD, PRESIDING JUDGE