

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
December 7, 2000 Session
Submitted on Briefs

BARBARA JO HECK, ET AL. v. CITY OF SEVIERVILLE

**Direct Appeal from the Circuit Court for Sevier County
No. 95-1322 Rex Henry Ogle, Judge**

FILED FEBRUARY 8, 2001

No. E2000-00464-COA-R3-CV

In this suit the Plaintiffs seek damages for injuries received by Barbara Jo Heck when she slipped on a patch of ice and fell on property owned by the City of Sevierville. The Trial Court found that the City had no actual or constructive notice of the presence of the ice causing Mrs. Heck to fall and, accordingly, dismissed the complaint. We affirm under Rule 10(a) of the Court of Appeals.

**Tenn.R.App.P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed;
Cause Remanded**

HOUSTON M. GODDARD, P.J., delivered the opinion of the court, in which CHARLES D. SUSANO, JR., and D. Michael Swiney, JJ., joined.

Steven E. Marshall, Sevierville, Tennessee, for the appellants, Barbara Jo Heck and husband, Otto Heck

John T. Batson, Jr., Knoxville, Tennessee, for the appellee, City of Sevierville

OPINION

Barbara Jo Heck and her husband, Otto Heck, appeal a judgment entered in favor of the City of Sevierville which dismissed their claim incident to injuries received by Mrs. Heck as a result of slipping and falling on a patch of ice on premises owned by the City of Sevierville. Our review of the record persuades us that the evidence does not preponderate against the finding of the Trial Court that the City had no actual or constructive notice of “any dangerous or defective condition.”

We conclude this is an appropriate case for affirmance under Rule 10(a) of this Court.

The judgment of the Trial Court is affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against Barbara Jo Heck, Otto Heck, and their surety.

HOUSTON M. GODDARD, PRESIDING JUDGE