

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

Assigned On Brief, October 21, 2003

RICHARD CALDWELL AND WIFE, SHEILA CALDWELL

v.

TIM WOOD AND JULIE WOOD D/B/A WOOD'S CUSTOM FLOORS

**Appeal from the Circuit Court for Madison County
No. C-02-309 Division III Roger A. Page, Judge**

No. W2003-00303-COA-R3-CV - Filed February 27, 2004

This case involves the subject matter jurisdiction of General Sessions Courts. The plaintiffs filed a lawsuit against the defendants in General Sessions Court. The defendants failed to appear at trial. The General Sessions Court entered a default judgment against the defendants. The defendants filed a motion to set aside the judgment, which the General Sessions Court granted. The plaintiffs appealed to the Circuit Court. The Circuit Court reversed the General Sessions Court's order setting aside the judgment. We affirm the decision of the Circuit Court, holding that section 16-15-747 of the Tennessee Code Annotated, which authorizes the General Sessions Courts to correct judgments, does not authorize the General Sessions Courts to set aside judgments.

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

HOLLY M. KIRBY, J., delivered the opinion of the court, in which W. FRANK CRAWFORD, P.J., W.S., and ALAN E. HIGHERS, J., joined.

A. Russell Larson, Jackson, Tennessee, for the appellants, Tim Wood and Julie Wood, d/b/a Wood's Custom Floors.

J. Brandon McWherter, Jackson, Tennessee, for the appellees, Richard Caldwell and wife, Sheila Caldwell.

OPINION

Plaintiffs/Appellees Richard Caldwell and Sheila Caldwell (collectively "the Caldwells") filed suit in General Sessions Court on March 25, 2002 against Defendants/Appellants Tim Wood and Julie Wood d/b/a Wood's Custom Floors ("Wood's Floors") for breach of contract, breach of express warranty, fraud, violation of the Tennessee Consumer Protection Act, and misrepresentation, plus attorney's fees and court costs. Wood's Floors failed to make an appearance on the designated

trial date, and the General Sessions Court entered a default judgment against Wood's Floors, dated July 12, 2002.

On July 31, 2002, Wood's Floors filed a motion in the General Sessions Court for relief from the judgment, pursuant to Rule 60.02 of the Tennessee Rules of Civil Procedure. In its motion, Wood's Floors explained that it failed to appear at trial because its original attorney withdrew from the case on June 6, 2002 and it was unaware of the trial date. On August 27, 2002, the General Sessions Court granted relief from the judgment on grounds of excusable neglect and surprise. The General Sessions Court did not grant the relief from the judgment pursuant to Rule 60.02; rather, it relied on section 16-15-727 of the Tennessee Code Annotated. In a letter addressed to both parties, the General Sessions judge noted that section 16-15-727 grants "General Sessions Courts . . . the same power to correct judgments rendered to them as courts of record have."

On August 30, 2002, the Caldwells filed a notice of appeal to the Circuit Court, appealing the General Sessions Court's order setting aside the judgment. In their appeal, the Caldwells argued that neither section 16-15-727 nor Rule 60.02 grant the General Sessions Courts the authority to set aside their judgments. After reviewing the pleadings and arguments of counsel, as well as the procedural history and applicable law, the Circuit Court held that the General Sessions Court did not have the power to set aside its own judgment and therefore reversed the General Sessions Court's order setting aside the default judgment. The Circuit Court noted: "It is undisputed that 10 days had elapsed after the Judgment was entered without an appeal to Circuit Court. Accordingly, the jurisdiction of the General Sessions Court over this matter had ended." From the Circuit Court's order, Wood's Floors now appeals.

On appeal, Wood's Floors argues that the Circuit Court erred in holding that section 16-15-727 does not authorize the General Sessions Court to set aside its own judgment. In this appeal, there are no factual issues, only questions of law, which are reviewed *de novo* with no presumption of correctness. *Wilkins v. Kellogg Co.*, 48 S.W.3d 148, 151 (Tenn. 2001).

The jurisdiction of General Sessions Courts is limited to that set out by statute. *Ware v. Meharry Med. Coll.*, 898 S.W.2d 181, 183-84 (Tenn. 1995). Thus, for the General Sessions Courts to have subject matter jurisdiction to set aside a judgment, there must be statutory authority for the action. It is undisputed that the Tennessee Rules of Civil Procedure, including the procedure under Rule 60.02 to set aside judgments, are not applicable to General Sessions Courts. Tenn. R. Civ. P. 1.

The parties cite no statute expressly permitting a General Sessions Court to set aside its judgment. *See* Tenn. Code Ann. §§ 16-15-101 through 16-15-5012 (1994 & Supp. 2003); *J.W. Gibson Co. v. Eagle Instruments, Inc.*, 1999 WL 552879, at *1 (Tenn. Ct. App. July 28, 1999).

Section 16-15-727 of the Tennessee Code Annotated does, however, authorize the General Sessions Courts to *correct* their own judgments:

General Sessions Courts have the same power to correct the judgments rendered by them that courts of record have. The party asking the correction shall give the adverse party five (5) days' notice of the time and place of the intended application to correct the judgment, and from which judgment, so corrected, either party may appeal, or stay it, as in cases of original judgments before general sessions courts.

Tenn. Code Ann. § 16-15-727 (1994). The question becomes, then, whether “correcting” a judgment includes setting aside a judgment.

The interpretation of a statute requires courts to “ascertain and give effect to the legislative intent” behind the statute. *Sharp v. Richardson*, 937 S.W.2d 846, 849 (Tenn. 1996) (quoting *Cronin v. Howe*, 906 S.W.2d 910, 912 (Tenn. 1995)). When the language of the statute is unambiguous, the legislative intent must be determined from the face of the statute, adopting the “natural and ordinary” meaning of the language therein. *Davis v. Reagan*, 951 S.W.2d 766, 768 (Tenn. 1997); *Westland W. Cmty. Ass’n v. Knox County*, 948 S.W.2d 281, 283 (Tenn. 1997).

In *Travelers Indem. Co. v. Callis*, the Tennessee Supreme Court outlined the General Sessions Courts’ jurisdictional limits, determining that a General Sessions Court does not have the power to quash its own judgment. *Travelers Indem. Co. v. Callis*, 481 S.W.2d 384, 385 (Tenn. 1972). General Sessions Courts were established as a replacement for justice of the peace courts. They share some attributes of the courts they replaced. *Ware v. Meharry Med. Coll.*, 898 S.W.2d 181, 183-84 (Tenn. 1995); *Weaver v. Cromer*, 392 S.W.2d 835, 836 (Tenn. Ct. App. 1965). The *Callis* Court considered this background in determining whether a General Sessions Court could quash its judgment, reviewing whether justices of the peace were permitted to quash execution of their judgments. *Callis*, 481 S.W.2d at 384. The *Callis* Court held:

“Their jurisdiction is limited to the rendition of the judgment, the granting of an appeal, the stay and issuance of the execution, and the issuing of writs of *scire facias* where proper. The theory of their jurisdiction is that it extends only to the limits defined by statute law, and that the giving to them jurisdiction of a subject does not carry with it all those general powers of making that jurisdiction effectual, or of preventing its working injustice, which belongs to courts of general jurisdiction. When a justice or General Sessions Court renders judgment in a case and adjourns, the court is at an end, and the court has no further power over it except what the statutes give. The court cannot after that day grant a new trial, or in any way prevent the consequences of its acts, however erroneous [they] may be. But the court may

correct merely clerical errors in its judgments upon the application of a party and proper notice to the other party.”

Id. at 385 (quoting Caruthers, *History of a Lawsuit* (8th ed.)). Thus, justices of the peace, the predecessors to modern General Sessions Courts, were authorized to modify their own judgments only to the extent of correcting “clerical errors.”

Section 16-15-727 of the Tennessee Code Annotated clearly authorizes the General Sessions Courts to correct their judgments. The plain language of the statute, however, simply does not address the setting aside of judgments. Wood’s Floors cites no case in which this statute, or any other, has been deemed to authorize the General Sessions Courts to set aside their own judgments. *See Gibson*, 1999 WL 552879, at *1-2. In the absence of express statutory authorization, we must conclude that the General Sessions Court in this case was without authority to set aside its judgment. Thus, the decision of the Circuit Court, reversing the order of the General Sessions Court setting aside its judgment, must be affirmed.

The Caldwell’s request attorney’s fees and costs of this appeal. This request is denied.

The decision of the Circuit Court is affirmed. Costs are taxed against Defendant/Appellants Tim Wood and Julie Wood d/b/a Wood’s Custom Floors, and their surety, for which execution may issue if necessary.

HOLLY M. KIRBY, JUDGE