

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
July 8, 2004 Session

**KENNETH MORGAN JOHNSON v.
DOROTHY LYNN JOHNSON (HOLT)**

**Appeal from the Chancery Court for Coffee County
No. 98-4 John W. Rollins, Judge**

No. M2003-00866-COA-R3-CV - Filed October 1, 2004

CHARLES D. SUSANO, JR., concurring.

I agree completely with the majority opinion. I write separately to express my opinion that the statement in *State ex rel. Vaughn v. Kaatrude*, 21 S.W.3d 244 (Tenn. Ct. App. 2000) that “[s]etting child support is a discretionary matter,” *id.* at 248, should not be broadly read. For example, it is clear to me that a trial court has “limited discretion” to deviate from the amount of child support determined by applying the rules set forth in Tenn. Comp. R. & Regs., ch. 1240-2-4-.03. *See Jones v. Jones*, 930 S.W.2d 541, 544-45 (Tenn. 1996). However, I agree with the majority that the *Kaatrude* principle set forth above applies to the facts of this case. Finding no abuse of discretion in the trial court’s judgment, I concur.

CHARLES D. SUSANO, JR., JUDGE