

to the parties' sons and that he had complied with this requirement. Mr. Hurdle also argued that, despite gifts to his second wife and their children, his estate, including the alimony trust, is now larger than it was at the time of the divorce decree, so there was no dissipation of his estate.

The trial court issued a temporary injunction against Mr. Hurdle, restraining him from making further conveyances or transfers of assets for less than substantially equivalent value. The trial court also denied both parties' motions for summary judgment. The trial court granted Mr. Hurdle's Application for Interlocutory Appeal pursuant to Tenn.R.App. P. 9. Permission for interlocutory appeal under Rule 9 was subsequently granted by this Court.

On appeal, Mr. Hurdle raises no issue concerning the temporary injunction. He argues that the trial court erred in denying his Motion for Summary Judgment. Our review of the trial court's denial of Mr. Hurdle's Motion for Summary Judgment is *de novo* on the record before this Court, with no presumption of correctness. *Carvell v. Bottoms*, 900 S.W.2d 23, 26 (Tenn. 1995). From our review of this case law, including *Ashley v. Volz*, 218 Tenn. 420, 404 S.W.2d 239 (Tenn. 1966) and *Owens v. Church*, 675 S.W.2d 178 (Tenn. App. 1984), and our review of the record in this cause, it appears that there are material disputed facts that require the consideration of evidence and testimony. Therefore, the denial of Mr. Hurdle's Motion for Summary Judgment is affirmed.

Accordingly, the order of the trial court is hereby affirmed in accordance with Court of Appeals Rule 10(a), and the matter is remanded to the trial court for further proceedings. Costs in this cause are taxed to Appellants, for which execution may issue if necessary.

HOLLY KIRBY LILLARD, J.

CONCUR:

W. FRANK CRAWFORD, P.J., W.S.

DAVID R. FARMER, J.