

IN THE COURT OF APPEALS OF TENNESSEE, WESTERN SECTION  
AT NASHVILLE

**FILED**

**August 16, 1996**

C.A. No. 01A01-9510-CH-00445  
Williamson County Chancery Court  
No. 21761  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

JAYNE MOORE TREW (CORNWELL) )

Plaintiff/Appellee. )

VS. )

GLEN ALLEN TREW, SR., )

Defendant/Appellant. )

HON. HENRY DENMARK BELL,  
CHANCELLOR

**AFFIRMED**

OPINION FILED:

**Donald S. Caulkins**, Caulkins & Caulkins, Franklin, Tennessee for Defendant/Appellant.

**Carol L. Soloman**, Nashville, Tennessee

**Robert W. Rutherford**, Nashville, Tennessee,  
For Plaintiff/Appellee.

**MEMORANDUM OPINION<sup>1</sup>**

**FARMER, J.**

Jayne Moore Trew, now Cornwell, (Mother) and Glen Allen Trew, Sr. (Father) were divorced in 1993 by decree of the Chancery Court for Williamson County, Tennessee. Mother was awarded custody of the parties' two minor children and moved to South Carolina in 1994. In July, 1995, Father filed a petition in the Chancery Court for Williamson County seeking to modify or change custody.

Wife moved to dismiss on the basis of lack of jurisdiction, contending that South Carolina had become the children's home state. The chancellor granted the motion on the basis that jurisdiction in this cause is in the state of South Carolina and Husband appealed. The sole issue presented on appeal is whether the trial court erred in dismissing for lack of jurisdiction.

<sup>1</sup>**Rule 10 (Court of Appeals). Memorandum Opinion.** -- (b) The Court, with concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case.

Oral argument was presented to this Court on March 5, 1996. Subsequently, Mother filed a motion pursuant to Rule 14 T.R.A.P. asking this Court to consider as a post-judgment fact an order entered In The Family Court for the Eleventh Judicial Circuit in the State of South Carolina. Father responded to the Rule 14 motion conceding that the parties had in fact reached an agreement which was approved by the South Carolina court and this Court granted the Rule 14 motion to consider the South Carolina proceedings as a post-judgment fact.

The South Carolina order was approved by the parties as well as their respective South Carolina attorneys. The document entered by the South Carolina court is entitled Order Approving Complete Custody, Visitation, and Child Support Agreement. The order recites that the parties have reached an agreement and seek to have it approved by the court, that Father is a resident of Tennessee and, subsequent to the divorce, Mother was allowed to remove the children from Tennessee to South Carolina. In January 1996, she announced that there would be another move to the State of Louisiana. The order further provides that Father is vested with sole custody of the parties' two minor children, Glen Allen Trew, Jr. and Jessie Moore Trew. Mother is allowed visitation as specified in the order. The order further states that the South Carolina court has subject matter jurisdiction to modify the previous custody and visitation awards and that the parties have voluntarily submitted themselves to the *in personam* jurisdiction of the South Carolina court. Obviously, by his position taken in the South Carolina court, Father has abandoned his position, which he argued before this Court, that jurisdiction lies with the Tennessee court.

In view of the above, the judgment of the Chancery Court of Williamson County, Tennessee dismissing Father's petition for lack of jurisdiction is affirmed. Costs of this appeal are taxed one-half to Father and one-half to Mother for which execution may issue if necessary.

---

FARMER, J.

---

HIGHERS, J. (Concurs)

---

LILLARD, J. (Concurs)