

IN THE COURT OF APPEALS OF TENNESSEE
EASTERN SECTION AT KNOXVILLE

FILED

October 24, 1996

McMINN CHANCERY
Cecil Crowson, Jr.
Appellate Court Clerk
No. 03A01-9603-CH-00100

VIRGIL TURBYFILL and)
JUANITA TURBYFILL,)
)
Plaintiffs/Appellees)

v.)
)

PHILIP L. CANDAGE and)
ELIZABETH CANDAGE,)
)
Defendants/Third-Party)
Plaintiffs/Appellants)

v.)
)

WILLIAM D. McKENZIE,)
)
Third-Party Defendant/Appellee)

HON. EARL H. HENLEY

AFFIRMED AND REMANDED

ORDER

Our review of this record indicates that the judgment of the trial court should be affirmed in accordance with Court of Appeals Rule 10(a).¹

Costs are assessed to the appellants.

William H. Inman, Senior Judge

:

Herschel P. Franks, Judge

¹**Rule 10. Affirmative Without Opinion -- Memorandum Opinion. (a) Affirmance Without Opinion.** The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

- (1) the Court concurs in the facts as found or as found by necessary implication by the trial court
- (2) there is material evidence to support the verdict of the jury.
- (3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a).

Charles D. Susano, Jr., Judge