

**IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE**

WILLIAM T. DePRIEST, GATES-)
PATE-McDANIEL, HENRY H.)
HEADDEN, JOEL P. MORRIS,)
MAURICE PINSON, RICHARD R.)
STANDEL, JR., and W. O. VAUGHN,)
JR.,)

Plaintiffs/Appellants,)

VS.)

1717-19 WEST END ASSOCIATES, a)
Tennessee Partnership, Mid-Town)
Associates, a Tennessee Partnership,)
O'Hare, Sherrard & Roe, a Tennessee)
Partnership, and John R. Voigt,)

Defendants/Appellees.)

FILED

March 19, 1997

Cecil W. Crowson
Appellate Court Clerk

Davidson County Chancery
No. 90-4942

Appeal No.
01A01-9609-CH-00428

ORDER ON PETITION TO REHEAR

The appellees, O'Hare, Sherrod & Roe and John R. Voigt, have filed a respectful petition to rehear calling attention to a typographical error in the opinion of this Court in which the word, "cites" was erroneously typed, "cities".

On its own motion, this Court orders the correction of said order.

Said appellees also complain of the statement in the opinion that their motion for discretionary costs was unsupported by grounds. It is true, as insisted by said appellees that the motion was supported by affidavit, but said affidavit related only to the amount of costs (fees) demanded, and not to facts to justify the allowance of discretionary costs.

Said petition to rehear is respectfully denied.

ENTERED _____, 1997

HENRY F. TODD
PRESIDING JUDGE, MIDDLE SECTION

SAMUEL L. LEWIS, JUDGE

BEN H. CANTRELL, JUDGE