

IN THE COURT OF APPEALS OF TENNESSEE  
EASTERN SECTION

**FILED**  
**June 6, 1997**  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

CASEY LYNN BURGESS ) CUMBERLAND COUNTY  
 ) 03A01-9703-PB-00077  
Petitioner - Appellant )  
 )  
v. ) HON. JAMES A. BEAN,  
 ) JUDGE  
 )  
BRENDA LEA (BURGESS) WELCH )  
 )  
Respondent - Appellee ) AFFIRMED AND REMANDED

PROCTOR UPCHURCH OF CROSSVILLE FOR APPELLANT

BRETT A. YORK and CYNTHIA S. LYONS OF CROSSVILLE FOR APPELLEE

O P I N I O N

Goddard, P. J.

By this appeal Casey Lynn Burgess insists that the Trial Court was in error in dismissing his petition for change of custody of his two children, custody of whom by the divorce decree was awarded to Ms. Welch.

Our review of the record, including the Trial Court's findings of fact and memorandum opinion, and the appellate briefs

of the parties, persuades us this is an appropriate case for  
affirmance under Rule 10(a) of this Court.

The judgment of the Trial Court is accordingly affirmed  
and the cause remanded for such further proceedings, if any, as  
may be necessary and collection of costs below. Costs of appeal  
are adjudged against Mr. Burgess and his surety.

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Houston M Goddard, P. J.

CONCUR:

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Herschel P. Franks, J.

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Don T. McMuray, J.