

IN THE COURT OF APPEALS OF TENNESSEE
EASTERN SECTION

FILED

August 28, 1997

Cecil Crowson, Jr.
Appellate Court Clerk

EDWARD LeROY HAYES, II)
Plaintiff - Appellee)
v.)
TRACIE AMANDA HAYES)
Defendant - Appellant)

) MONROE COUNTY
) 03A01-9701-CV-00040
)
)
) HON. JOHN B. HAGLER, JR.,
) JUDGE
)
)
) AFFIRMED AND REMANDED

J. REED DIXON OF SWEETWATER FOR APPELLANT

DONALD B. REID OF ATHENS FOR APPELLEE

O P I N I O N

Goddard, P. J.

Tracie Amanda Hayes, Defendant - Appellant, appeals a judgment of the Circuit Court for Monroe County which awarded custody of her minor child, Trenton Cody Hayes, to his father, Edward LeRoy Hayes, II, Plaintiff - Appellee.

M. Hayes' issue on appeal contends that the Trial Judge made findings of fact not supported by the evidence,

resulting in his improperly awarding custody of the child to M. Hayes.

We concede the Trial Court made certain findings of fact which are not supported by the narrative statement of the evidence.¹ However, because there is ample evidence in the statement of the evidence to justify the Court's awarding custody to M. Hayes, we conclude that this is an appropriate case for affirmance under Rule 10(a) of this Court.

For the foregoing reasons the judgment of the Trial Court is affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against M. Hayes and her surety.

Houston M. Goddard, P. J.

CONCUR:

Herschel P. Franks, J.

Don T. McMurray, J.

¹ We do note in regard to the statement of the evidence that it was filed in the Trial Court on January 16, 1997, and that the record was filed in this Court on January 29, 1997, which did not allow the Appellee a full 15 days to file objections allowed by Rule 24(c) of the Tennessee Rules of Appellate Procedure. However, in light of our disposition of this appeal, we are disinclined to remand the case for the purpose of allowing exceptions to be made.