

IN THE COURT OF APPEALS OF TENNESSEE  
EASTERN SECTION

**FILED**

July 8, 1997

**Cecil Crowson, Jr.**  
Appellate Court Clerk

RONALD E. LEONARD and wife	)	WASHINGTON COUNTY
VICKIE J. LEONARD	)	03A01-9611-CH-00370
	)	
Plaintiffs - Appellees	)	
	)	
v.	)	HON. THOMAS J. SEELEY, JR.,
	)	JUDGE
	)	
BUTLER MARKLAND, Contractor	)	
	)	
Defendant - Appellant	)	AFFIRMED AND REMANDED

M STANLEY GIVENS OF JOHNSON CITY FOR APPELLANT

ROBERT D. ARNOLD OF JOHNSON CITY FOR APPELLEES

O P I N I O N

Goddard, P. J.

This controversy arose as a result of a contract entered into between Robert E. Leonard and his wife, Vickie J. Leonard and Butler Markland. The contract provided that Mr. Markland would build a house on a lot owned by the Leonards at a total cost of \$96,000.

The Trial Court found in accordance with the complaint that there were numerous defects in connection with the construction of the house and that it was not built in a workmanlike manner. He accordingly entered a judgment of \$30,267.06, after giving credit for \$3500, which was the balance owed on the contract and was being held by a bank.

Mr. Markland appeals, raising the following two issues:

Whether the Trial Court erred in granting a Judgment for an entirely new, and better air conditioning unit?

Whether the Trial Court erred in granting a Judgment to replace rather than repair other items in the house?

Our reading of the record and the appellate briefs of the parties, persuades us the evidence preponderates in favor of the Trial Court's determination as to both issues, and that this is an appropriate case for affirmance under Rule 10(a) of this Court.

The Trial Court is accordingly affirmed and the cause is remanded for collection of the judgment and costs below. Costs of appeal are adjudged against Mr. Markland 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. McMirray, J.