IN THE COURT OF APPEALS OF TENNESSEE FILED				
AT KNOXVILLE				
			March 24, 1999	
			Cecil Crowson, Jr. Appellate Court Clerk	
SHADY COVE HOMEOWNERS	)	CAMPBELI	<del>-CIRCUIT</del>	
ASSOCIATION, INC.,	)			
	)	NO. 03A01-	9810-CV-00358	
Defendant/Appellant	)			
	)	HON. CONRA	D TROUTMAN	
V.	)	JUDGE		
	)			
LARRY TERRY,	)			
AL COLLINGSWORTH, and	)			
MARILYN JOYCE COLLINGSWORTH,	)			
	)			
Plaintiffs/Appellees	)	AFFIRMED		

Kenneth W. Holbert, Knoxville, for the Appellant. Michael G. Hatmaker, Jacksboro, for the Appellees.

## **MEMORANDUM OPINION**

The right of the plaintiffs to the unrestricted use of a private road providing access to Norris Lake is the issue in this case.

The deeds of the plaintiffs and those of their predecessors in title granted them a right of way and private road for recreational purposes. Subsequently, the defendant acquired the underlying fee in the road, and installed a locked gate, a key to which required membership in the defendant organization which owned the road.

The trial judge held that the plaintiffs were entitled to the unrestricted use of the road and enjoined the defendant from interfering with such usage.

This is a proper case for affirmance pursuant to Rule 10, Rules of the Court of Appeals.<sup>1</sup> Costs are assessed against the appellant.

Affirm ance Without Opinion - Memorandum Opinion. (b) The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORA NDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case. [As amended by order filed April 22, 1992.]

CONCUR:	William H. Inman, Senior Judge
Houston M. Goddard, Presiding Judge	-
Charles D. Susano, Jr., Judge	-