

IN THE SUPREME COURT OF TENNESSEE

AT KNOXVILLE

**FILED**  
**October 26, 1998**  
**Cecil W. Crowson**  
**Appellate Court Clerk**

JAMES AND CAROLYN CHRISMAN	)	Appeal
	)	No. 03-S-01-9706-CV-00077
Plaintiffs-Appellees	)	
	)	
v.	)	Knox County
	)	No. 1-787-94
HILL HOME DEVELOPMENT, INC.	)	
and JIM HILL	)	
	)	Judgment of the Court of
Defendants-Appellants	)	Appeals is REVERSED

JUDGMENT ORDER

This cause came to be heard upon briefs, argument of counsel, and the record on appeal from the Court of Appeals.

The Court is of the opinion that under the facts of this case, summary judgment is appropriate for the claim of fraudulent concealment against Hill because Hill demonstrated that plaintiffs will be unable to prove an essential element of the tort. We are also of the opinion that summary judgment is appropriate for the claim of nuisance against Hill and Hill Home Development because the four-year statute of repose in Tenn. Code Ann. § 28-3-202 bars that claim. In accordance with the opinion filed herewith, it is therefore, ORDERED AND ADJUDGED by this Court that the judgment of the Court of Appeals is reversed.

Costs of the appeal are taxed against the appellees, for which execution may issue if necessary.

10/26/98