

IN THE COURT OF APPEALS OF TENNESSEE

EASTERN SECTION

JACK LINDSAY,) C/ A NO. 03A01-9511-CV-00415
)
Plaintiff - Appellant,) KNOX LAW
)
v.) HON. BILL SWANN,
) JUDGE
)
GAYLE MARTIN LINDSAY,)
) AFFIRMED AND
Defendant - Appellee.) REMANDED

FILED
February 29, 1996
Cecil Crowson, Jr.
Appellate Court Clerk

L. CAESAR STAIR, III, BERNSTEIN, STAIR & McADAMS, Knoxville,
for Plaintiff - Appellant.

BILL W. PETTY and WILLIAM T. MAGILL, O'CONNOR, PETTY, CHILD &
BOSWELL, Knoxville, for Defendant - Appellee.

O P I N I O N

Franks. J.

The Trial Judge entered judgment reducing the amount
of alimony payable by defendant, and appellant has appealed.

The parties were divorced in 1978, with an award of

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RULE 10. AFFIRMANCE WITHOUT OPINION

(a) The Court, with the concurrence of all judges participating in the case, may affirm the action of
the trial court by order without rendering a formal opinion when an opinion would have no precedential value
and one or more of the following circumstances exist and are dispositive of the appeal:

- (1) the Court concurs in the facts as found or as found by necessary implication of the trial court.
- (2) there is material evidence to support the verdict of the jury.
- (3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule
10(a)."

alimony of \$3,500.00 per month to the wife. In 1986 the Court ordered a reduction of the alimony to \$2,580.00 per month.

The petition giving rise to this appeal was filed in 1995, and responding to the petition after an evidentiary hearing, the Trial Court, in arriving at his judgment, said:

We do note that the last touching of this file was on November 13, 1985, at which time the husband earned some \$224,800.00. We are not able to make a finding of fact as to expenses at that time. He now earns some \$121,000.00² and his expenses run some \$12,000.00 to \$13,000.00 a month.

The Court, after discussing the relative financial circumstances of the parties, concluded:

This case has merit on both sides as you can tell from the foregoing holdings and findings. There has been a material change of circumstances in the husband's income, in that the husband's income has reduced significantly, such that there should be a modification.

The Trial Judge then reduced the alimony to \$2,000.00 a month.

We conclude that the rendering of a formal opinion would have no presidential value, and we concur in the facts as found or as found by necessary implication by the Trial Court, and no reversible error of law appearing, we affirm the judgment of the Trial Court pursuant to Rule 10 of this Court.

The cost of the appeal is assessed to appellant, and the cause remanded.

²The Trial Judge also observed:

Additionally, we would note that the zero coupon bonds throw off nothing that figures as income, and to that appears to be some additional \$25,000.00 that doesn't occur as income.

Herschel P. Franks, J.

CONCUR:

Don T. McMurray, J.

Clifford E. Sanders, Sp.J.