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**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY**

**CRATZ INSPECTION SERVICES,** )  
**INC., d/b/a SEALMASTER OF** )  
**TENNESSEE,** )  
)  
**Plaintiff,** )  
)  
**VS.** )  
)  
**TEDDY JONES, Individually and** )  
**d/b/a ASPHALT SERVICES OF** )  
**TENNESSEE,** )  
)  
**Defendant.** )

FOIA  
NO. 16-719-BC

2016 SEP 12 AM 8:59  
FILED  
CLERK OF CHANCERY OF  
DAVIDSON COUNTY  
D.C. & H.

**FINAL ORDER**

It is ORDERED that the Plaintiff's *Motion For Entry of Default Judgment* is granted based upon the following facts establishing that no response to the complaint has been filed. Additionally, no response to the *Motion* was filed.

1. Plaintiff filed suit against the Defendant on July 5, 2016.
2. On July 7, 2016, a process server personally served Defendant.
3. More than 30 days have passed since the process server served Defendant and Defendant has failed to plead or otherwise defend against the allegations in the Complaint within the time set forth in Rule 12.01 of the Tennessee Rules of Civil Procedure.
5. The only filing by the Defendant was a September 1, 2016 Notice of Appearance of Counsel. Under Tennessee Civil Procedure Rule 6.02 the *Notice* is insufficient to enlarge the time in which a response to the Complaint was required to be filed.

Accordingly, as a matter of law, the allegations in the Complaint are uncontested, and default judgment may enter in the Plaintiff's favor pursuant to Rule 55.01 of the Tennessee Rules of Civil Procedure.

The above application of the Tennessee Rules of Civil Procedure is not form over substance. There is a practical policy at stake here. This is a suit on an unpaid account for pavement preservation products sold in the last quarter of 2015. Yet after having been on file two months and a motion for default having been filed, docketed for hearing, and no response filed to the motion, the lawsuit is still unanswered. On the face of the record, there is no basis for this lawsuit to be delayed and stalled.

It is therefore ORDERED that by defaulting, Defendant has admitted all of the well-pleaded factual allegations in the Complaint. *See Discovery Bank v. Morgan*, 363 S.W.3d 479, 496 (Tenn. 2012). The Court therefore finds, as detailed in the Complaint, that between October 2014 and December 2015, Defendant ordered pavement preservation products from Plaintiff's Nashville office. Plaintiff prepared and supplied the products that Defendant requested. Defendant used the products that Plaintiff provided. Defendant has failed to pay for the products that he ordered and used. Defendant owes Plaintiff \$50,118.99 for the products he ordered and used.

The Court further finds that at the rate of 10% per annum, starting 30 days after the last invoice, the interest from January 14, 2016, through September 2, 2016, on \$50,118.99

is \$3,184.04 ( $\$50,118.99 \times 0.1 = \$5,011.90 / 365.25$  days in one year = \$13.72 per day x 232 days = \$3,183.04).

Based upon these findings and Defendant's failure to respond to the *Motion* it is

ORDERED that:

- Final judgment for breach of contract is hereby entered in favor of Plaintiff, Crantz Inspection Services, Inc. and against Defendant, Teddy Jones, individually and doing business as Asphalt Services of Tennessee, in the amount of \$53,302.03 (which represents compensatory damages in the amount of \$50,118.99, plus prejudgment interest in the amount of \$3,193.04).
- Post-judgment interest shall accrue at the rate of 5.5%.
- Court costs shall be paid by Defendant




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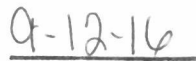
ELLEN HOBBS LYLE  
CHANCELLOR  
TENNESSEE BUSINESS COURT  
PILOT PROJECT

cc: Tim Harvey  
Adrienne Waters Ogle

**RULE 58 CERTIFICATION**

A Copy of this order has been served by U. S. Mail upon all parties or their counsel named above.

  
\_\_\_\_\_  
Deputy Clerk and Master  
Chancery Court

  
\_\_\_\_\_  
Date