

IN THE CIRCUIT COURT OF BRADLEY COUNTY, TENNESSEE

LILLIE WALKER,

Plaintiff,

vs.

COLLEGETOWN MOBILE ESTATES, INC.

Defendant.

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No: V-05-817

FILED

2007 MAY -2 PM 3:14

DAYLA H. MILLER  
CIRCUIT COURT CLERK

ORDER GRANTING SUMMARY JUDGMENT

This matter came to be heard on April 9, 2007, upon the Defendant's Motion for Summary Judgment, before the Honorable John B. Hagler, Judge, holding Circuit Court for Bradley County. The Defendant's Motion for Summary Judgment asserted that the Defendant had no duty of care with respect to the Plaintiff by way and virtue of a legally enforceable lease agreement, and that the Defendant had no notice, either actual or constructive, of the alleged premises defect resulting in damages alleged by the Plaintiff. Based upon the respective pleadings and briefs filed by the parties above-named, the collective lay witness testimony via the respective affidavits and depositions of Lillie Walker, Linda Morgan, Ben Moore and Don Westfield, the oral arguments of counsel presented in Open Court, and upon the entire record, the Court has reached its decision, and has rendered the following findings of fact and law:

- 1) That the lease agreement entered between the landlord, the Defendant, and the tenant, Linda Morgan, provided that the premises in question were rented to the named tenant only and no guest was to be housed over a particular period of time. The lease agreement was violated in those respects by way of the Plaintiff's extended stay on the premises.
- 2) That the tenant, Linda Morgan, became responsible for the safety of any person on the premises in violation of the lease agreement.
- 3) That it is undisputed that the tenant, Linda Morgan, had a superior position of knowledge compared to that of the landlord, the Defendant, regarding the condition of the premises, and thereby had a duty to warn her guests, such as the Plaintiff, Lillie Walker, of any such defects.

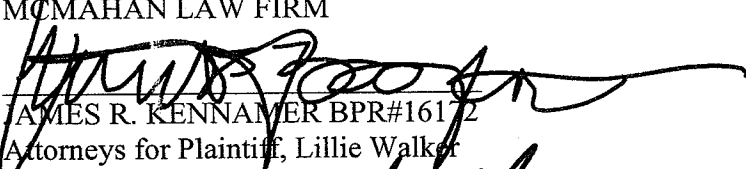
4) That, upon the foregoing findings, the Defendant's Motion for Summary Judgment should be granted.

Based upon these foregoing findings of fact and law, it is therefore ORDERED, ADJUDGED AND DECREED that summary judgment is hereby entered in this cause in favor of the Defendant, Collegetown Mobile Estates, Inc.

  
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JUDGE

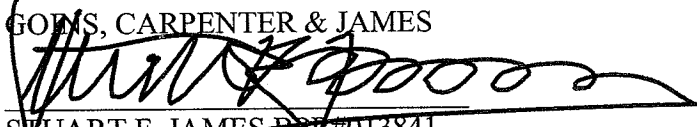
Approved for entry:

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*with permission*

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