IN THE CIRCUIT COURT FOR LOUDON COUNTY, TENNESSEE

CITY OF LENOIR CITY)
Plaintiff,	
vs.) No. 7400
GEORGE H. SARTEN,) JURY DEMANDED
Defendant.) NOTICE OF ENTRY REQUESTED

ORDER

This cause came on for hearing on Thursday, August 21, 2008 before the Honorable Russell Simmons, Circuit Judge, on the Defendant's Motion to Temporarily Close Portion of Towncreek Greenway.

After hearing argument of counsel, receiving evidence and a review of the record, the Court finds such motion to be well taken.

Specifically, the Court finds from the evidence presented that

- The Plaintiff has condemned a portion of the Defendant's land for a walking trail.
- The trail was built in such a manner that it is at or near the base of a slope created by the Defendant as a fill area which contains course gravel, boulders and large sized pieces of concrete.
 - 3. The walking trail is open at all times and invites people to be in the area.
- 4. Since the slope was not condemned by the Plaintiff, it is still owned by the Defendant, and the failure of the slope could cause liability to the Defendant for personal injury to persons using the walking trail by invitation of the Plaintiff.
- The engineering report of the Plaintiff finds that there is a risk of slope failure and rock fall which could become grater with rain.
- The Court finds that the Defendant will suffer immediate and irreparable injury if the public is not restricted from this area by the Plaintiff.

- 7. The Court therefore finds that a temporary injunction should issue ordering the Plaintiff to block access to the walking trail in the area of the slope until the Defendant corrects the slope or the Plaintiff provides a barrier on its land.
- Once corrective measures have been taken by either party, a hearing will be conducted by the Court to determine if the injunction should be dissolved.
- Defendant shall file an injunction bond in the amount of ten thousand dollars (\$10,000.00).

Accordingly, it is **ORDERED** that the Plaintiff is enjoined from permitting access to the walking trail commonly known as the Towncreek Greenway in the area of the slope until further order of this Court.

ENTER this 22 day of August 2008. at 3: 17 P.M.

Russell Simmons, Circuit Judge

APPROVED FOR ENTRY:

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