

IN THE 12TH JUDICIAL DISTRICT OF TENNESSEE
CHANCERY COURT OF SEQUATCHIE COUNTY

CITY OF DUNLAP, TENNESSEE)
)
 PLAINTIFF,)
)
 vs.)
)
 THOMAS E. GADDY and wife,)
 CAROL GADDY,)
)
 DEFENDANTS.)

NO. 2421

FILED
DATE February 11 2015
Chancery Court, Sequatchie Co., TN
Minute Book _____ Page _____ 8:39 AM
Michelle Grant
Clerk Deputy Clerk

COMPLAINT

Comes the Plaintiff, and for its cause of action against the Defendants, would show to the Court as follows:

1. Plaintiff is and was at all times material herein a municipal corporation located and situated in Sequatchie County, Tennessee.
2. The Defendants are and were at all times material herein residents of Sequatchie County, Tennessee.
3. Defendants own certain real estate located in Sequatchie County, Tennessee, and within the corporate limits of the City of Dunlap, Tennessee, and being more particularly described in Exhibit "A," attached hereto. Said property is also designated as Map 47H Grp H Ctrl Map 48E Parcel 1.00, Assessor's Office of Sequatchie County, Tennessee.
4. Defendants' real estate described above is residential real estate and is governed by Ordinance No. 88 of the City of Dunlap, the pertinent provisions of which are attached hereto as Exhibit "B." Defendants' real estate consists of a structure located on the real estate, which structure is dilapidated and in a dangerous and unsafe condition. As a result of the condition of that structure, Plaintiff had the structure inspected by a licensed inspector, who has now certified that the structure is unsafe for habitation use, constitutes a danger to the public and is in violation of Ordinance No. 88. A copy of that report is attached hereto as Exhibit "C."

5. Plaintiff discovered within the last few days that the Defendants are in the process of attempting to repair the structure located on the real estate, and have instituted construction activities in that regard. However, those construction activities have been instituted without the Defendants obtaining a permit as is required by Section 16.01 of the Zoning Ordinance of the City of Dunlap. Defendants have been advised that their construction activities are in violation of the City Code and have been advised to cease and desist further construction activities. However, as of the filing of this Complaint, Defendants have failed and refused to abide by these warnings and instructions.

6. As a result of the condition of the structure located on the Defendants' property, the general health and welfare of the citizens of the City of Dunlap are in danger, and unless the Defendants are restrained and enjoined from conducting further construction activities on their property, and to thereafter demolish their structure the Plaintiff will suffer irreparable harm and damage.

PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That process issue and be served upon the Defendants, requiring them to answer the allegations contained therein;
2. That upon the filing of this Complaint that a temporary restraining order issue restraining and prohibiting the Defendants from continuing any further construction activities on their property, pending a hearing thereon and that upon a hearing thereon that the temporary restraining order be converted to a temporary injunction for the pendency of this cause;
3. That upon the final hearing of this cause that Defendants be permanently enjoined from commencing any further construction activities on their property and that they be required to immediately demolish and remove the dangerous structure located on their property;
4. That Plaintiff be awarded such damages as the proof supports in this case and for such other and further general relief to which the Plaintiff is entitled.

This the 10th day of February 2015.

ATTORNEYS GREER, SWAFFORD & ADAMS
P.O. Box 758
Dunlap, TN 37327
(423) 949-3621

By: Stephen T. Greer / CDR
Stephen T. Greer, BPR #2422
Attorney for Plaintiff

STATE OF TENNESSEE)
COUNTY OF SEQUATCHIE)

DWAIN LAND, in his capacity as Mayor of the City of Dunlap, Tennessee, being duly sworn according to law, hereby makes oath that he has reviewed the foregoing Complaint and that the facts contained therein are true to the best of his information, knowledge and belief and that those based upon information and belief are believed to be true.

[Signature]
DWAIN LAND

Sworn to and subscribed before me,
this the 10th day of February, 2015.

Sherry A. Brock
NOTARY PUBLIC
My Commission Expires: 3/22/16



city of dunlap\city of dunlap vs gaddy - complaint