

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
May 5, 2005 Session

FREDERICK MARTIN UMANS v. DEBORAH LYNNE UMANS

**Appeal from the Circuit Court for Davidson County
No. 01D-1673 Muriel Robinson, Judge**

No. M2004-00095-COA-R3-CV - Filed September 20, 2005

PATRICIA J. COTTRELL, J., delivered the opinion of the court, in which WILLIAM B. CAIN and FRANK G. CLEMENT, JR., JJ., joined.

OPINION ON PETITION TO REHEAR

Appellee, Deborah Umans, filed a Petition to Rehear her request for attorney's fees incurred on appeal. On August 23, 2005, this Court entered its Memorandum Opinion denying Mr. Umans's appeal regarding child support, alimony, and attorney's fees awarded Ms. Umans by the trial court. Mr. Umans was successful only in appealing the trial court's finding of criminal contempt. The opinion did not address Ms. Umans's request for attorney's fees incurred on appeal.

Because Ms. Umans was required to incur attorney's fees on appeal to defend child support and alimony and because she took no position with regard to the criminal contempt issue, we agree she is entitled to an award of attorney's fees.

Consequently, based on the record before us, we award Ms. Umans her reasonable attorney's fees incurred on appeal. We remand to the trial court for determination of the amount of such reasonable fees.

Costs of the petition to rehear are waived.

PATRICIA J. COTTRELL, JUDGE