

**IN THE COURT OF APPEALS OF TENNESSEE
FOR THE MIDDLE SECTION, AT NASHVILLE**

In re: Sentinel Trust Company

)
) No. M2005-00031-COA-R3-CV
)
) Lewis Equity No. 4781
)

**APPEAL FROM FINAL JUDGMENTS OF
THE LEWIS COUNTY CHANCERY COURT
AT HOHENWALD, TENNESSEE**

Reply Brief for Appellants
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Oral Argument Requested

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Appellants' Reply Brief

Appellees' brief, in particulars noted below, seeks to mislead or confuse the Court rather than to clarify this somewhat confusing case, in which the appeal does not arise from any *litigation* filed in any court (Appellants' Brief, p. 4) , but from a series of discrete approval/disapproval decisions of the type that would be ministerial had the legislature designated the Comptroller rather than a court of general jurisdiction to grant or deny these limited approvals.

But the primary fault in their brief is their insistence that the issue of jurisdiction is not properly before this Court, merely because Appellants initially informed the Court that the issue of jurisdiction was primarily for the Davidson County Chancery Court under the designated modes of judicial review (Appellants' Brief, p 10), only to finally insist, upon the presentation of a motion in nature critically harmful to Sentinel, that such local Court "should rule on these issues, under the rule 'that a Court of First Resort always has jurisdiction to determine issues of its own jurisdiction.' " (Appellees' brief, p. 19).

Yet in invoking the grant/deny jurisdiction of the Local Court, they did so solely on the basis that its jurisdiction was invoked under specific sections of the Tennessee Banking Act which created the specific statutory remedy provided for application against state banks, and they wholly disregard the fact that that Act, creating powers over **banks**, does not create these same powers over **trust companies**. But for that Act and its particular bank-seizure powers, there would be no vesting of *any jurisdiction* in the Local Court. They did not file any ordinary litigation, commenced by lead process

