

SUPREME COURT OF TENNESSEE

Brenda Benz-Elliott v. Barrett Enterprises, LP et al.

Benz-Elliott v. Barrett Enters., LP, 456 S.W.3d 140 (Tenn. 2015) · No. M2013-00270-SC-R11-CV · Decided January 23, 2015

SUMMARY

The Tennessee Supreme Court held that determining the applicable statute of limitations requires identifying the gravamen of each claim, considering both its legal basis and the injury for which damages are sought. It concluded that the plaintiff's claim concerning the omitted access-strip reservation was principally for breach of contract and therefore subject to Tennessee's six-year limitations period for contract actions, rather than the three-year period for injuries to real property. The court reversed the Court of Appeals and remanded for consideration of the defendants' remaining appellate issues.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark; Sharon G. Lee, Chief Justice; Gary R. Wade; Jeffrey S. Bivins
JURISDICTION	Tennessee
DECIDED	January 23, 2015
DOCKET	M2013-00270-SC-R11-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Tennessee Supreme Court granted permission to appeal from the Court of Appeals' decision holding that the plaintiff's breach-of-contract claim was barred by the three-year statute of limitations for injuries to personal or real property.
STANDARD OF REVIEW	The applicable statute of limitations is a question of law reviewed de novo without a presumption of correctness.
PRECEDENTIAL VALUE	published precedential opinion of the Tennessee Supreme Court
PARTIES	Brenda Benz-Elliott v. Barrett Enterprises, LP, Ronnie Barrett

TOPICS

[statute of limitations](#)[breach of contract](#)[real estate](#)[appellate procedure](#)[civil procedure](#)

PRACTICE AREAS

Contracts

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Statute of limitations

Real estate

QUESTIONS PRESENTED

1. What analysis should a court use to determine the applicable statute of limitations when a complaint alleges multiple claims?
2. Whether Benz-Elliott's prevailing claim was governed by Tennessee's three-year statute of limitations for injuries to personal or real property or its six-year statute of limitations for contracts not otherwise expressly provided for.

HOLDINGS

1. When a complaint alleges more than one claim, a court must identify the gravamen of each claim separately rather than determine a single gravamen for the complaint as a whole. The court must consider both the legal basis of the claim and the type of injury for which damages are sought.
2. Benz-Elliott's claim was governed by the six-year statute of limitations for actions on contracts not otherwise expressly provided for, Tenn. Code Ann. § 28-3-109(a)(3), not the three-year statute of limitations for injuries to personal or real property.

KEY QUOTATIONS

“We hold that a court must identify the gravamen of each claim alleged to determine the applicable statute of limitations.” (-1)

“When utilizing this approach, a court must first consider the legal basis of the claim and then consider the type of injuries for which damages are sought.” (-15)

FACTUAL BACKGROUND

Brenda Benz-Elliott contracted to sell Barrett Enterprises more than five acres of Rutherford County property while retaining ownership of a sixty-foot-wide strip along Interstate 24 for an access road to her remaining property. The parties' contract stated that its covenants would survive closing, but the warranty deed omitted the required reservation. After the contemplated access route was not built, Benz-Elliott sued and obtained a \$650,000 breach-of-contract damages award based on diminution in value of her remaining property.

PROCEDURAL HISTORY

Benz-Elliott sued Barrett Enterprises and Ronnie Barrett for breach of contract, intentional misrepresentation, and negligent misrepresentation after the warranty deed failed to reserve a sixty-foot access strip required by the sale contract. The trial court dismissed the misrepresentation claims, found for Benz-Elliott on breach of contract, and awarded \$650,000 in damages. The Court of Appeals held that the claim was governed by the three-year statute of limitations for injuries to real property and did not reach the defendants' other appellate issues. The Tennessee Supreme Court reversed and remanded for resolution of those remaining issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Tennessee Court of Appeals for resolution of the other issues the defendants raised on appeal, including waiver or estoppel, laches, agency, damages, and discretionary costs.

CASES CITED

- Whaley v. Perkins, 197 S.W.3d 665, 670 (Tenn. 2006)
- Gunter v. Lab. Corp. of Am., 121 S.W.3d 636, 638 (Tenn. 2003)
- Mike v. Po Group, Inc., 937 S.W.2d 790, 793 (Tenn. 1996)
- Alexander v. Third Nat'l Bank, 915 S.W.2d 797, 798-800 (Tenn. 1996)
- Vance v. Schulder, 547 S.W.2d 927, 931-33 (Tenn. 1977)
- Swauger v. Haury & Smith Contractors, Inc., 512 S.W.2d 261, 262-63 (Tenn. 1974)
- Bland v. Smith, 277 S.W.2d 377, 379-80 (Tenn. 1955)
- Taylor v. Trans. Aero Corp., 924 S.W.2d 109, 112-13 (Tenn. Ct. App. 1995)
- Williams v. Thompson, 443 S.W.2d 447, 448-49 (Tenn. 1969)
- Teeters v. Currey, 518 S.W.2d 512, 517 (Tenn. 1974)
- Redwing v. Catholic Bishop for the Diocese of Memphis, 363 S.W.3d 436, 457 (Tenn. 2012)
- Pera v. Kroger Co., 674 S.W.2d 715, 719 (Tenn. 1984)
- Callaway v. McMillian, 58 Tenn. 557, 559 (1872)
- Barnes v. Barnes, 193 S.W.3d 495, 501 (Tenn. 2006)
- Bluff Springs Apartments, Ltd. v. Peoples Bank of the South, No. E2009-01435-COA-R3-CV, 2010 WL 2106210, at *10 (Tenn. Ct. App. May 26, 2010)
- Mid-South Indus., Inc. v. Martin Mach. & Tool, Inc., 342 S.W.3d 19, 31-32 (Tenn. Ct. App. 2010)
- Craighead v. BlueCross BlueShield of Tenn., Inc., No. M2007-01697-COA-R10-CV, 2008 WL 3069320, at *8 (Tenn. Ct. App. July 31, 2008)
- Lewis v. Caputo, No. E1999-01182-COA-R3-CV, 2000 WL 502833, at *4 (Tenn. Ct. App. Apr. 28, 2000)
- Harvest Corp. v. Ernst & Whinney, 610 S.W.2d 727, 728-30 (Tenn. Ct. App. 1980)
- Resolution Trust Corp. v. Wood, 870 F. Supp. 797, 807 (W.D. Tenn. 1994)
- BVT Lebanon Shopping Ctr., Ltd. v. Wal-Mart Stores, Inc., 48 S.W.3d 132, 135-36 (Tenn. 2001)

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