

ROGER P. SHARP

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NO. 2001-CA-0969

VERSUS

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COURT OF APPEAL

ALTA WILLIAMS SHARP

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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Armstrong, J., dissenting in part.

I respectfully dissent in part. Holly Sharp, the parties' daughter, testified of her own, personal knowledge, not hearsay, that she knew both of the land and other assets that her mother had inherited and of the sales of that property. Holly Sharp is a CPA, prepared her parents' tax returns for the 1985-96 period in question, and was thoroughly familiar with her parents' financial situation. Her testimony was corroborated by her parents' tax returns and the trial court found her to be credible.

During the 1985-96 time period in question, the parties owned and resided in a \$911,000 historic home in the Garden District of New Orleans which contained \$180,000 worth of furnishings, rugs, paintings and jewelry. During that same 1985-96 time period, the parties' income (aside from the

proceeds of the sales of Mrs. Sharp's inherited property) consisted of Social Security and disability. It was a fair inference by the trial court that the parties' opulent, historic community property home could not have been maintained without the money received from the sale of Mrs. Sharp's inherited property. Thus, the trial court could reasonably conclude that Mrs. Sharp's separate property was "used" for the "use" or "benefit" of community property.

I do not believe that the trial court was clearly wrong- manifestly erroneous. Therefore, I would affirm.