

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 55,333-CW

SUCCESSION OF

DEANNE BARRETT MCFERREN

FILED: 05/16/23

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On application of Wendy Renee Barrett Independent Executrix of the Estate of Deanne Barrett McFerren for SUPERVISORY WRIT in No. 625,299 on the docket of the First Judicial District, Parish of CADDO, Judge Ramon Lafitte.

MIRAMON LAW, INC.
Patricia N. Miramon
Julia Miramon Todd

Counsel for:
Wendy Renee Barrett Independent
Executrix of the Estate of Deanne
Barrett McFerren

KEAN MILLER, LLP
John Mark Miller

Counsel for:
Christopher Wayne McFerren and
Bayou Country Contractors and
Irrigation, LLC

Before PITMAN, STONE, and THOMPSON, JJ.

WRIT GRANTED; REMANDED WITH INSTRUCTIONS.

Applicant Wendy Renee Barrett, the independent executrix of the Estate of Deanne McFerren, seeks review of the trial court's Order granting Christopher McFerren's motion for a suspensive appeal but dispensing with the requirement of security.

After review, we conclude it was legal error for the trial court to dispense with the requirement of security for the suspensive appeal pursuant to La. C.C.P. art. 2124(B)(3), which requires that the appellant provide security which shall be fixed by the trial court at an amount sufficient to assure the satisfaction of the judgment, plus damages for the delay resulting from suspension of the execution of the judgment. Accordingly, the writ is granted and that portion of the ruling dispensing with security for the suspensive appeal is reversed. We remand this matter to the trial court with instructions to fix the amount of security sufficient to

assure satisfaction of the judgment in this case, plus damages for the delay resulting from suspension of execution of the judgment.

Shreveport, Louisiana, this 1 day of June, 2023.

SDS

JGO

JRT

FILED: June 1, 2023

Shandra Taylor

DEPUTY CLERK