

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ROSE MANALE MCCANN

NO. 2015 CW 0074

VERSUS

WALTER LESTER MCCANN

APR 20 2015

In Re: Peggy M. Blackwell, Testamentary Executrix of the Succession of Walter Lester McCann, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 618,400.

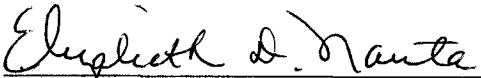
BEFORE: PETTIGREW, WELCH AND CHUTZ, JJ.

WRIT DENIED.

WRC
JTP

Welch, J., concurs in part and dissents in part. I would grant the writ in part insofar as I find that the annuity accounts which were obtained during the community property regime are community property assets and subject to partition in accordance with La. R.S. 9:2801. Therefore, I would reverse the January 9, 2015 judgment granting plaintiff's, Rose Manale McCann's motion for partial summary judgment as far as it recognizes Ms. McCann as the sole owner of the ten annuity accounts. In all other respects, I would deny the writ.

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DEPUTY CLERK OF COURT
FOR THE COURT