

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2015 CA 1985

MARIE GWENDOLYN WATTS

VERSUS

STANLEY J. WATTS

Judgment Rendered: OCT 31 2016

**Appealed from the
Twenty-third Judicial District Court
In and for the Parish of Assumption, Louisiana
Docket Number 33691**

Honorable Katherine Tess Stromberg, Judge Presiding

**Kim Segura Landry
Gonzales, LA**

**Counsel for Appellant,
Stanley J. Watts**

**Lana Chaney
Pierre Part, LA**

**Counsel for Appellee,
Marie Gwendolyn Watts**

BEFORE: WHIPPLE, C.J., GUIDRY, AND McCLENDON, JJ.

*watts
Segura
PNC*

WHIPPLE, C.J.

In this appeal arising from a community property partition proceeding, the former husband appeals the trial court's order that classified the funds deposited into his DROP account as separate and further declared that the former wife has a right to reimbursement on the interest that accrued to the DROP account during the existence of the community. For the following reasons, we dismiss the appeal as an appeal from a non-appealable interlocutory order and remand for further proceedings.

By an order signed February 17, 2016, the trial court decreed its findings as follows:

This Court renders judgment in favor of Defendant, Stanley Watts, and against Plaintiff, Marie Watts, in holding that the funds deposited into Defendant's DROP account are his separate property. This Court renders judgment in favor of Plaintiff, Marie Watts, and against Defendant, Stanley Watts, in holding that Plaintiff, Marie Watts, has a right to reimbursement on the interest that accrued on the DROP account during the existence of the community.

Stanley appeals, contending that the trial court erred in: (1) ruling that the funds paid into the DROP account as interest during the marriage for benefits earned prior to the marriage were community property; (2) ruling that Stanley was not entitled to reimbursement for the funds paid into the DROP account as interest during the marriage and expended during the marriage; and (3) ruling that Marie was entitled to reimbursement of the interest accrued on the DROP account during the marriage when she waived all reimbursement claims in the Partial Partition of Community Property Agreement.

Louisiana Revised Statute 9:2801 sets forth the specific procedure by which community property is partitioned. The statute requires that both parties file sworn detailed descriptive lists and that each party either traverse

or concur in the inclusion or exclusion of each asset and liability and the valuation contained on the other party's list. LSA-R.S. 9:2801(A)(1) & (2). The statute further provides that at the trial of the traverses, the trial court shall determine community assets and liabilities, but states that valuation of assets shall be determined at the trial on the merits. LSA-R.S. 9:2801(A)(2). Thereafter, the court shall partition the community in accordance with the rules set forth in the statute. LSA-R.S. 9:2801(A)(4).

A judgment that merely classifies the status of the property without addressing an accounting or value is not an appealable judgment. Harris v. Harris, 2015-0409 (La. App. 1st Cir. 11/6/15), 183 So. 3d 565, 566. Such a judgment is not appealable, but can be reviewed upon an appeal from a final judgment homologating the partition. Otherwise, to permit the appeal of such a judgment would encourage piecemeal appeals and prohibit expeditious disposition of community property cases. Harris, 183 So. 3d at 566; Tramontin v. Tramontin, 2010-0060 (La. App. 1st Cir. 12/22/10), 53 So. 3d 707, 713.

In the instant case, the order at issue in this appeal arose from proceedings to partition community property, but it does not resolve all issues in the partition. Most importantly, the order merely classifies the status of the DROP account funds, without addressing an accounting or value or partition of the community portion of those funds. Therefore, the order does not constitute a final judgment for the purpose of an immediate appeal. Harris, 183 So. 3d at 566. Thus, this matter is not properly before us on appeal.

CONCLUSION

For the above and foregoing reasons, we dismiss the appeal of the February 17, 2016 order, classifying the funds in Stanley Watts's DROP account, and remand this matter to the trial court for further proceedings. Costs of this appeal are assessed against Stanley Watts.¹

APPEAL DISMISSED; CASE REMANDED.

¹We elect to exercise our supervisory jurisdiction herein, only to the extent that we are ordering a remand.