

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

JEFFREY MICKAL BERTHELOT

NO. 2016 CW 1247

VERSUS

HEATHER TRAVIS BERTHELOT

SEPTEMBER 27, 2016

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In Re: Heather Travis Berthelot, applying for supervisory writs, 21st Judicial District Court, Parish of Tangipahoa, No. 2010-0002845.

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**BEFORE: WELCH, HIGGINBOTHAM, THERIOT, HOLDRIDGE AND CHUTZ, JJ.**

**STAY DENIED. WRIT GRANTED.** La. R.S. 9:2801 mandates the specific procedure for the partition of community property and the settlement of the claims arising from the matrimonial regime. **Durden v. Durden**, 2014-1154 (La. App. 4th Cir. 4/29/15), 165 So.3d 1131, 1144. Louisiana has a longstanding prohibition against piecemeal partition of community property and settlement of claims arising from matrimonial regimes after termination of the community. **Id.**; see also **Daigre v. Daigre**, 230 La. 472, 481-81, 89 So.2d 41 (La. 1956). Accordingly, we vacate the district court's September 19, 2016 order requiring Ms. Berthelot to sign necessary documents allowing Mr. Berthelot to transfer a community vehicle as a trade-in toward the purchase of a new truck.

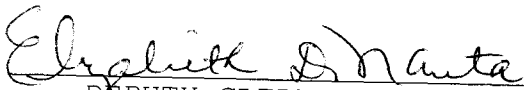
**WRC**  
**TMH**

**Welch, J.**, concurs and additionally states that Mr. Berthelot failed to show the grounds required under La. Civ. Code art. 2369.7(1) in order to obtain court authority for his actions. Mr. Berthelot failed to show that trading in the truck is necessary, that such action is not detrimental to the interest of Ms. Berthelot, and that her refusal to concur was arbitrary. Also, it is important here that Mr. Berthelot falsely claimed the truck had been severely damaged and that he needed access to insurance proceeds in order to obtain a new vehicle. A party that makes false allegations in a pleading should not be granted authority to effect a piecemeal partition of community property.

**Holdridge, J.**, concurs.

**Theriot, J.**, dissents in part and would deny the writ.

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT