

**MARGARET K. SLIMP**

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**NO. 2011-CA-1677**

**VERSUS**

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**COURT OF APPEAL**

**MICHAEL J. SARTISKY**

\*

**FOURTH CIRCUIT**

\*

**STATE OF LOUISIANA**

\* \* \* \* \*

**CONSOLIDATED WITH:**

**CONSOLIDATED WITH:**

**MICHAEL J. SARTISKY**

**NO. 2011-CA-1820**

**VERSUS**

**MARGARET K. SLIMP**

APPEAL FROM  
CIVIL DISTRICT COURT, ORLEANS PARISH  
NO. 2011-1167, DIVISION "M"  
Honorable Paulette R. Irons, Judge

\* \* \* \* \*

**Judge Max N. Tobias, Jr.**

\* \* \* \* \*

**ON APPLICATIONS FOR REHEARING**

(Court composed of Judge Dennis R. Bagneris, Sr., Judge Max N. Tobias, Jr.,  
Judge Edwin A. Lombard)

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**REHEARING GRANTED ON APPLICATION OF MARGARET K.  
SLIMP; REHEARING DENIED ON APPLICATION OF MICHAEL J.  
SARTISKY; OPINION AMENDED;  
RENDERED.**

Marjorie Slimp (“Slimp”), the defendant/appellant, and Michael J. Sartisky (“Sartisky”), the plaintiff/appellee, each filed a timely applications for rehearing after we issued our opinion in this matter on 17 September 2012. Slimp’s application contends that this court committed a mathematical and/or typographical error when performing the calculations to determine the funds due to each party.<sup>1</sup> Sartisky asserts other matters already addressed in our original opinion.

We acknowledge that we committed a mathematical error and amend the paragraph on page 34 and the decree on page 39 of the original opinion to read as follows:

We disagree with the accounting methodology presented by both experts. First of all, we now have the figure of net proceeds from the sale of the Harmony Street house: \$800,667.28. From that sum, we first deduct the initial investment made by the parties in the house: for Sartisky, \$375,243.00 and for Slimp,

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<sup>1</sup> Slimp suggests that we add expenses to the initial investments before arriving at the balance to be divided between the parties; doing so results in approximately \$23,000.00 more for Slimp. We find that this is inaccurate and have added the expenses after arriving at the balance that the parties will share.

\$197,372.90; that leaves a balance of \$228,061.38, which we divide between the parties, each receiving \$114,030.69. Giving each party credit for their reimbursable expenses, results in the total sum of \$533,988.85 for Sartisky and \$266,688.43 for Slimp.

\* \* \*

The rehearing application of Sartisky is denied.

Based on the foregoing, we reverse the trial court and render judgment as follows: out of the net proceeds from the sale of the Harmony Street house of \$800,677.28, Michael J. Sartisky is awarded the sum of \$533,988.85 and Margaret K. Slimp is awarded the sum of \$266,688.43. We further affirm the trial court's judgment dismissing the new lawsuit by Slimp against Sartisky with prejudice on the basis of *res judicata*. Each party is to pay his/her own costs.

**REHEARING GRANTED ON APPLICATION OF MARGARET K. SLIMP; REHEARING DENIED ON APPLICATION OF MICHAEL J. SARTISKY; OPINION AMENDED; RENDERED.**