

**Fifth Circuit Court of Appeal**  
**State of Louisiana**

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No. 26-CA-37

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CHRISTINA BOTROS BAJEWSKI

*versus*

CHRISTOPH PATRICK BAJEWSKI

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ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 696-980, DIVISION "I"  
HONORABLE NANCY A. MILLER, JUDGE PRESIDING

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September 23, 2026

**JOHN J. MOLAISON, JR.**  
**JUDGE**

Panel composed of Judges Susan M. Chehardy,  
John J. Molaison, Jr., and Timothy S. Marcel

**AFFIRMED IN PART; VACATED IN PART; REMANDED WITH**  
**INSTRUCTIONS**

**JJM**  
**SMC**  
**TSM**



COUNSEL FOR DEFENDANT/APPELLANT,  
CHRISTOPH BAJEWSKI

Jennifer C. Carter

Dixon C. Brown

COUNSEL FOR PLAINTIFF/APPELLEE,  
CHRISTINA BOTROS BRIGNAC

James E. Moorman, III

## **MOLAISON, J.**

The appellant, Christoph Bajewski, appeals the trial court's August 8, 2025 judgment partitioning the former community property between him and his former wife. We affirm the judgment in part, vacate it in part, and remand with instructions.

### **FACTS**

Mr. Bajewski and Christina Brignac (formerly Bajewski) married in 2004. Ms. Brignac's filing for divorce on January 14, 2011, terminated their community property regime. On March 18, 2014, Ms. Brignac filed a petition to partition the community along with a detailed descriptive list of the community property. Mr. Bajewski answered the petition, alleging the marital home was his separate property. Ms. Brignac claimed the home was community property based on a Quitclaim Deed Mr. Bajewski executed on April 19, 2007. Mr. Bajewski attempted to revoke the Quitclaim Deed in a separate action but did not succeed. In this appeal, he claims the home is not community property.

The parties filed a joint detailed descriptive list identifying the assets of the former community and indicating whether they agreed or disagreed on each asset's value. After trial, the trial court rendered judgment in favor of Ms. Brignac, awarding an equalizing payment of \$169,632.50. Mr. Bajewski filed a timely suspensive appeal from that judgment.

### **DISCUSSION**

At trial, the parties asked the court to resolve five issues: (1) the value and characterization of the family home, (2) the value of Ms. Brignac's LASERS retirement plan, (3) the value of a motorcycle, (4) the amount of Ms. Brignac's rental reimbursement claim, and (5) whether Mr. Bajewski owed Ms. Brignac damages for mismanagement of the family home.

### Value of the family home

On appeal, Mr. Bajewski claims the trial court erred in valuing the family home at \$142,000.

The trial court received extensive testimony regarding the value and condition of the home. Tom Hammons, a home-renovation expert Ms. Brignac retained, testified that he inspected the home in May 2025. The trial court admitted his report, which included numerous photographs, into evidence. Mr. Hammons opined that the home needed a new roof and repair of extensive termite damage. Ricardo Gutierrez, an expert real estate appraiser Ms. Brignac retained, performed four appraisals of the home over nine years. He appraised the home at \$135,000.00 in 2016, \$143,000.00 in 2017, \$204,000.00 in 2023, and \$142,000.00 in 2025. Mr. Gutierrez inspected both the interior and exterior of the home for the 2025 appraisal. He testified that the home was in poor condition. Mr. Gutierrez testified that if the home had remained in good condition as he observed during the 2016 appraisal, he would have valued it at \$247,000.00.

Karla Scott, an expert real estate appraiser Mr. Bajewski retained, appraised the home in July 2025. Ms. Scott opined the fair market value of the home was \$105,000.00.

The trial court has broad discretion to value and allocate assets and liabilities in community property partitions. *Cosman v. Cosman*, 22-0694 (La. App. 1 Cir. 1/10/23), 360 So. 3d 892, 896, *writ denied*, 23-00299 (La. 5/2/23), 359 So.3d 1272. Where expert testimony differs, the trier of fact must determine which evidence is more credible, and an appellate court may not overturn factual findings based on that determination unless manifest error appears in the record. *Id.* at 901.

Mr. Bajewski contends the trial court abused its discretion by accepting Mr. Gutierrez's valuation because, he argues, Mr. Gutierrez did not consider the structural problems in the home. Mr. Gutierrez testified that he considered the

condition of the home when he performed the 2025 appraisal. He said there was a “big difference” in the condition of the home between 2016 and 2025. He took numerous photographs reflecting the home’s poor condition.

As trier of fact, the trial court credited Mr. Gutierrez’s testimony over Ms. Scott’s. We find no merit in Mr. Bajewski’s argument that this credibility determination constituted an abuse of discretion.

#### Rental value of the home

The trial court awarded Mr. Bajewski use of the family home, and he lived there until 2023. At the time of trial, he was living with his girlfriend. He argues the trial court abused its discretion by awarding rental reimbursement from 2011 to 2025 based on a monthly rental rate of \$1,100.00 for the entire period. We disagree.

Mr. Bajewski’s expert, Ms. Scott, testified that the rental value of the home in 2022 to 2023 was \$1,100.00 per month. Mr. Gutierrez testified that if the home were in good condition, the rental value would be \$2,250.00. In her reasons for judgment, the trial judge stated that when setting the rental reimbursement amount, she considered the property’s age, size, location, and condition. She noted that the expert appraisers found it difficult to set a rental value because the property was one of the few in the area that no one had renovated after the most recent hurricane. The trial court concluded that Ms. Scott’s testimony and rental valuation were “the most credible and fair.”

Under the manifest-error standard of review, the appellate court may reverse the trial court’s factual finding only if no reasonable factual basis supports the finding and the trial court was clearly wrong. *E.C.I. Props. Inc. v. Weber Props. Jefferson Highway L.L.C.*, 25-143 (La. App. 5 Cir. 9/24/25), 423 So. 3d 165, 173. The record contains extensive testimony and evidence regarding the home’s condition over the years, including five appraisals by expert real estate appraisers.

Based on our review of the entire record, we find the trial court did not abuse its discretion in awarding rental reimbursement of \$1,100.00 per month for 175 months.

Mr. Bajewski contends the trial court abused its discretion by awarding a rental claim for the entire time period because Ms. Brignac did not list a claim for rental reimbursement in her first detailed descriptive list filed on March 18, 2014. This claim has no merit.

Ms. Brignac asserted her right to rental reimbursement in her petition for divorce, filed January 14, 2011, and in her amended petition for divorce, filed October 26, 2012. Moreover, in the consent judgment both parties entered, they agreed to grant Mr. Bajewski use and occupancy of the family residence and to defer rental reimbursement. Parties may agree to defer the adjudication of rental reimbursement to a later date. La. R.S. 9:374D. Our review of the record shows Ms. Brignac put Mr. Bajewski on notice from the beginning of the divorce proceedings that she would seek rental reimbursement for his use and occupancy of the family home. Although Ms. Brignac did not list rental reimbursement on her initial detailed descriptive list, she included it in her amended list. A party may amend a detailed descriptive list. La. R.S. 9:2801(A)(1)(b). Thus, the trial court did not err in awarding rental reimbursement from the termination of the community through the judicial partition.

#### Valuation of the motorcycle

Mr. Bajewski argues the trial court abused its discretion in assessing a value of \$4,765.00 to the motorcycle. Ms. Brignac testified that Mr. Bajewski kept possession of the motorcycle the couple owned during the marriage. She produced a Kelley Blue Book document valuing the motorcycle at \$4,765.00. Mr. Bajewski testified that the motorcycle needed repairs and that he took it to a repair shop. He said the repair cost exceeded the motorcycle's value, so he "donated it." Mr.

Bajewski produced no documents supporting this claimed donation. In its reasons for judgment, the trial court found Ms. Brignac's testimony regarding the motorcycle's value credible and found Mr. Bajewski's testimony that the motorcycle had no value not credible.

The trial court occupies a unique position to observe witnesses' testimony firsthand and make credibility determinations. *Nair v. Nair*, 24-220 (La. App. 5 Cir. 12/20/24), 410 So. 3d 874, 882. Where testimony conflicts, an appellate court should not disturb reasonable credibility determinations or reasonable factual inferences. *Id.* Nor may the appellate court simply decide whether it would have found the facts differently and substitute its own opinion for that of the trial court. *Id.* Applying this standard, our review of the record, including the parties' testimony, confirms the trial court did not abuse its discretion in valuing the motorcycle.

#### Amount of equalizing payment

The trial court awarded an equalizing payment of \$169,632.50 to Ms. Brignac. Both parties agree this calculation is incorrect.

Mr. Bajewski contends that if this Court rejects his arguments regarding the home's valuation, the rental reimbursement award, and the motorcycle's value, the maximum equalizing award is \$132,923.55. However, this argument ignores the E-Trade IRA and the Guidestone Retirement accounts the parties listed on the joint detailed descriptive list. Ms. Brignac argues the trial court made a calculation error, explaining that if the court awards 100% of the IRA and Guidestone accounts to Mr. Bajewski, the trial court's calculation differs only slightly—signifying a mathematical error this Court can correct. She concludes the correct award amount is \$167,290.82. We disagree because the trial court did not decide how to partition the IRA and Guidestone accounts. Although the parties agreed on the value of these accounts, they did not agree on how to partition them.

On appellate review, we cannot reconcile the mathematics of the trial court's \$169,632.50 award with the record. Accordingly, we vacate the portion of the judgment awarding an equalizing payment of \$169,632.50 and remand to the trial court for recalculation. See *Yates v. Yates*, 22-741 (La. App. 3 Cir. 11/2/23), 375 So. 3d 548, 585.

### **CONCLUSION**

For the preceding reasons, we vacate the portion of the judgment awarding an equalizing payment of \$169,632.50 and remand for recalculation of the equalizing payment. We affirm the judgment in all other respects.

**AFFIRMED IN PART; VACATED IN PART;  
REMANDED WITH INSTRUCTIONS**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT  
101 DERBIGNY STREET (70053)  
POST OFFICE BOX 489  
GRETNA, LOUISIANA 70054  
[www.fifthcircuit.org](http://www.fifthcircuit.org)

CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
(504) 376-1498 FAX

**NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED  
IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY  
**SEPTEMBER 23, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL  
PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-CA-37**

**E-NOTIFIED**

24TH JUDICIAL DISTRICT COURT (CLERK)  
HONORABLE NANCY A. MILLER (DISTRICT JUDGE)  
DIXON C. BROWN (APPELLANT)                      JENNIFER C. CARTER (APPELLANT)                      JAMES E. MOORMAN, III (APPELLEE)

**MAILED**

NO ATTORNEYS WERE MAILED