

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-371

SUCCESSION OF AUGUSTUS D. STANSBURY, JR.

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 864-207, DIVISION "F"
HONORABLE MICHAEL P. MENTZ, JUDGE PRESIDING

September 22, 2026

SUSAN M. CHEHARDY
CHIEF JUDGE

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Stephen J. Windhorst

APPEAL DISMISSED WITHOUT PREJUDICE

SMC
JGG
SJW



COUNSEL FOR PLAINTIFF/APPELLANT,
DEBORAH RIGGIO STANSBURY

Ryan S. McBride

CHEHARDY, C.J.

Appellant, Deborah Riggio Stansbury, appeals the April 22, 2026 judgment granting partial possession of decedent's separate property. Because this is an interlocutory judgment rather than a final appealable judgment, we dismiss the appeal for lack of appellate jurisdiction, without prejudice. However, because the motion and order for suspensive appeal was filed within 30 days of the date the judgment was issued, we consider the motion for appeal to be a notice of intent to seek writs and the order as setting a return date, and appellant has 30 days from the date of this opinion to file a supervisory writ application in this Court.

Facts and Procedural History

This matter arises from a "Joint Verified Petition for Partial Possession" filed in a succession proceeding by Monique Stansbury and Augustus D. Stansbury, III, who are heirs of the decedent, Augustus D. Stansbury, Jr. The surviving spouse and administratrix of the succession, Deborah Riggio Stansbury (Ms. Stansbury), opposed the petition. After a March 17, 2026 hearing, the district court took the matter under advisement and, on April 22, 2026, rendered judgment in favor of the heirs' assignee, Beacon Capital, LLC, and against Ms. Stansbury in her personal capacity as surviving spouse and as administratrix of the succession.¹ The court placed Beacon "in possession of the immovable property subject to the outstanding mortgage" on the Oaklawn Drive property in Metairie, as described in the Judgment.

In Reasons for Judgment, the trial court noted that Beacon was "only seeking to be placed into partial possession of the succession which is the decedent's separate property." Beacon maintained that the separate property was

¹ A January 27, 2026 Order issued by the trial court substituted Beacon "as the proper party plaintiff for the Heirs, the Assignors, Augustus D. Stansbury, III, Monique Eharb, and Brent Stansbury," based on their January 23, 2026 Assignment of Succession Rights transferring all of their right, title, and interest in the Succession of Augustus D. Stansbury, Jr.

being mismanaged. Ms. Stansbury argued that the property should remain under administration to satisfy succession debts, including her “reimbursement claim” against the separate property. The trial court concluded that Beacon is “entitled to be placed in possession of the Oaklawn Property” and found “sufficient amounts in the succession to satisfy debts.”² The court explained that any claims for reimbursement “are a separate proceeding from the petition for possession and should be pursued as part of the administration of the estate.”

On May 18, 2026, Ms. Stansbury suspensively appealed the April 22, 2026 judgment of partial possession. On June 19, 2026, the trial court signed an Order granting the appeal. On July 16, 2026, the suspensive appeal was converted to a devolutive appeal.

Meanwhile, on April 25, 2026, three days after the judgment at issue was rendered, Beacon filed a “Motion to Remove Administratrix (pursuant to CCP 3182)” requesting that Ms. Stansbury be removed “for cause.” On July 23, 2026, after a hearing on the Motion, the court ordered Ms. Stansbury to “open a succession account” within ten days of the Judgment.³

Law and Analysis

La. C.C.P. art. 2974 provides:

Appeals from orders or judgments rendered in succession proceedings shall be governed by the rules applicable to appeals in ordinary proceedings, except that an order or judgment confirming, appointing, or removing a succession representative, or granting an interim allowance under Article 3321 shall be executed provisionally, notwithstanding appeal.

² The trial court also ruled that the mortgage on the property at issue was a “community debt” and that each party would be held liable for fifty percent of such debt.

³ The trial court also ordered her to produce various documents including pension plans, IRAs, retirement accounts, bank records, tax returns, any property removed from the Oaklawn property, an annual accounting, and proof of reimbursements. The parties were to “meet within 45 days to attempt to resolve all reimbursement claims.” During the hearing on the motion, the trial court indicated that if the reimbursement issue could not be resolved, it would be set for trial.

The first clause of La. C.C.P. art. 2974 confirms that appeals from orders and judgments rendered in successions shall be governed by the rules applicable to appeals in ordinary proceedings. *Succession of Cotaya*, 24-38 (La. App. 5 Cir. 12/5/24), 409 So.3d 860, 863 (citing *Succession of Ally*, 22-16 (La. App. 5 Cir. 12/31/22), 354 So.3d 1248, 1250). Thus, La. C.C.P. articles 1841, 1915, and 2083 apply to judicial review of succession judgments “the same as they apply to judgments in other proceedings.” *Id.* (citing *Ally*, 354 So.3d at 1250). Appellate jurisdiction extends only “to final judgments and interlocutory judgments when expressly provided by law.” *Id.*; La. C.C.P. art. 2083. The Louisiana Legislature amended La. C.C.P. art. 1915, effective August 1, 2025, eliminating the trial court’s authority to designate judgments as final and appealable. Article 1915(A), as amended, now provides an exclusive list of judgments from which an appeal may be taken as a matter of right, including when a suit is dismissed as to fewer than all parties, or when liability is adjudicated. *See* La. C.C.P. art. 1915(A)(1) and (5). The express right to an immediate appeal under succession articles is also limited to certain judgments including: (1) appointing or removing a succession representative under Articles 2122 and 2974; (2) homologating a tableau of distribution pursuant to Article 3308; and (3) homologating a final account under Article 3337. *See Cotaya*, 409 So.3d at 864.

In *Succession of O’Krepki*, 17-130 (La. App. 5 Cir. 10/25/17), 229 So.3d 647, decided before the recent amendment to Article 1915, this Court dismissed the appeal of a judgment placing a legatee in possession of four legacies, where outstanding contested issues remained in the consolidated case. Because the trial court “rendered a partial judgment as to less than all of the issues of the parties,” and it was not designated as a final judgment “after an express determination that there is no just reason for delay,” this Court concluded that the judgment was “not a final judgment under La. C.C.P. art.1915,” and was not appealable “as one ‘in

which appeals are given by law’ under La. C.C.P. art.2083.” *Id.* at 649 (*citing Claiborne Medical Corp. v. Siddiqui*, 12-759 (La. App. 5 Cir. 2/28/13), 113 So.3d 1109, 1112; *Laviolette v. Dubose*, 07-916 (La. App. 5 Cir. 3/25/08), 983 So.2d 160, 162). The appeal was therefore dismissed without prejudice and remanded for further proceedings. *Id.*

More recently, in *Succession of Flake*, 22-91 (La. App. 5 Cir. 11/30/22), 353 So.3d 1004, this Court determined that a judgment was “unclear as to whether it pertain[ed] to all of the succession property or just the immovable property” because it did not “specifically set forth the property at issue.” *Id.* at 1008. After discussing *O’Krepki*, this Court concluded that because the judgment did not pertain to all of decedent’s property and was not designated as a partial, final judgment under Article 1915(B), it was not a final judgment, and appellate jurisdiction was therefore lacking. *Id.*

In *Succession of Cannon*, 14-0826 (La. App. 1 Cir. 3/25/15), 166 So.3d 1107, which the First Circuit also decided before the amendment to Article 1915, the appellate court found no abuse of discretion in the trial court’s designation of a judgment as final for purposes of immediate appeal, insofar as it constituted a partial judgment of possession as to the Succession’s shares in a business. *Id.* at 1110 (*citing R.J. Messinger, Inc.*, 04-1664 (La. 3/2/05), 894 So.2d 1113, 1122).

In short, notwithstanding the recent amendment to La. C.C.P. art. 1915, the jurisprudence supports the conclusion that the April 22, 2026 judgment of partial possession is not immediately appealable, as it does not appear to apply to all of decedent’s property. The judgment indicates that “the matter arises from a Petition for Partial Possession,” and the district court confirms that Beacon is “only seeking to be placed into partial possession of the succession which is decedent’s separate

property.”⁴ Under this Court’s analysis in *Flake, supra*, a ruling that does not encompass all of the decedent’s property is not a final, appealable judgment.

Moreover, there appear to be “outstanding contested issues,” as evidenced by the motion to remove Ms. Stansbury as administratrix and the July 23, 2026 judgment ordering her to open a succession account and produce various documents. Finally, the judgment does not fall within the exclusive list of final judgments set forth in current Article 1915(A), nor in any of the succession Articles expressly affording an immediate appeal.

CONCLUSION

We dismiss this appeal for lack of appellate jurisdiction, without prejudice. Because the motion for appeal was filed within 30 days of the date the judgment was issued, we consider the motion and order for appeal to be a notice of intent and an order setting a return date. Appellant is therefore granted 30 days from the date of this opinion to file a supervisory writ application in this Court.

APPEAL DISMISSED WITHOUT PREJUDICE

⁴ The “Estimative Sworn Detailed Descriptive List of Assets and Liabilities for Augustus D. Stansbury, Jr.” includes the immovable separate property at issue as well as immovable community property and movable properties.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
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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 22, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-CA-371

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE MICHAEL P. MENTZ (DISTRICT JUDGE)
RYAN S. MCBRIDE (APPELLANT) CHARLES V. CUSIMANO, III (APPELLEE)
KATIE M. CUSIMANO (APPELLEE)

MAILED

NO ATTORNEYS WERE MAILED