

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-CA-347

SUCCESSION OF SADIE PATTERSON

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 841-282, DIVISION "E"
HONORABLE FRANK A. BRINDISI, JUDGE PRESIDING

April 24, 2026

MARC E. JOHNSON
JUDGE

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and John J. Molaison, Jr.

VACATED AND REMANDED

MEJ
FHW
JJM

TRUE COPY



JALISA WALKER
DEPUTY CLERK

COUNSEL FOR PLAINTIFF/APPELLANT,
SHAMECA TURNER

Cherie E. Teamer Henley

COUNSEL FOR DEFENDANT/APPELLEE,
ELOUISE FRILOUX

Prescott L. Barfield

Christopher L. Kerrigan

JOHNSON, J.

Defendant/Appellant, Shameca Turner, appeals the trial court's judgment that granted a motion to annul sale of succession property in favor of Appellee/Plaintiff, Elouise Friloux, in the 24th Judicial District Court, Division "E". For the following reasons, we vacate the judgment and remand the matter for further proceedings.

FACTS AND PROCEDURAL HISTORY

Mrs. Sadie Patterson died intestate on July 7, 2021. She was married twice: first to Whitney Friloux, and second to Alton Patterson. Both husbands predeceased her. Mrs. Patterson had eight children: Shameca Turner, Quonika Willis, David Patterson, Oriol Patterson, Elouise Friloux, Whitney Friloux, Alton Patterson, Jr., and Delphia Kennedy. Alton Patterson, Jr. predeceased Mrs. Patterson. All surviving children were over the age of 24 years old at the time of Mrs. Patterson's death.

On June 1, 2023, Quonika Willis filed a petition to be appointed as the administratrix of Mrs. Patterson's estate. In the petition, Quonika specifically asserted that administration was necessary to sell the estate property by private sale. The detailed descriptive list identified the immovable property located at 9472 Cabildo Lane, Westwego, Louisiana, as the estate's sole asset. Quonika was appointed as administratrix of the succession on June 12, 2023, and the letters of administration issued on June 13, 2023.

Quonika filed an "Application to Sell Immovable Property at Private Sale" on June 15, 2023, wherein she sought the authorization to sell the 9472 Cabildo Lane property (hereinafter referred to as "the Cabildo property"). The application listed the sale price for the Cabildo property at \$85,700. A "Certificate of No Opposition" was issued on the same date by the Clerk of Court for the Parish of Jefferson, attesting that the application was advertised in The Advocate on June 7,

2023; no opposition was timely filed; and all legal delays for opposing the application had lapsed. The trial court approved and homologated the application on June 20, 2023. Quonika sold the Cabildo property to Shameca on June 28, 2023 for \$85,700.

On November 28, 2023, Elouise Friloux moved to remove administrator, compel accounting, and annul sale of property. In her motion, Elouise alleged that she resided at the Cabildo property. She further alleged that Quonika sold the property significantly below the market value to their sister, Shameca Turner, without her knowledge, and the alleged proceeds of the sale had not been distributed to any of the heirs. Elouise contended that Quonika violated her fiduciary duties to the succession, and the sale of the Cabildo property under Quonika's authority was an absolute nullity.

In response to Elouise's motion, Shameca filed a "Motion for Emergency Hearing" on December 1, 2023. She asserted ownership of the Cabildo property and sought Elouise's removal from the property. Shameca claimed that she had paid the mortgage, insurance, or utilities on the property, and she was no longer able to pay those expenses without selling or renting the property. She also requested an expedited hearing on Elouise's motion.

In anticipation of the hearing, Shameca and Eloise entered into a consent judgment. The parties agreed to obtain an appraisal and to split the cost equally.

A hearing on Elouise's motion was held on April 17, 2024. At the conclusion of the hearing, the trial court verbally ordered Elouise to pay the mortgage on the Cabildo property pending a final decision. In a judgment rendered on May 7, 2024, the trial court granted the motion to remove Quonika as the administratrix of the estate and appointed an independent executor, Michael Somoza. The motions to compel accounting and nullify the sale of the immovable property were deferred for a later date.

A few months later, on September 18, 2024, Elouise filed a “Motion to Reset Rule to Annul Sale of Immovable Property.” In the motion, Elouise reiterated assertions from her original motion, *e.g.*, the other heirs had no prior knowledge of the sale, and Quonika did not appraise the Cabildo property prior to selling it for \$85,700. She averred that no funds were exchanged between Shameca and Quonika at the closing, and no funds were ever paid to Mrs. Patterson’s estate for the sale. Elouise asserted that annulment of the sale of the Cabildo property was in the heirs’ best interest.

On October 1, 2024, Shameca filed a “Rule for Contempt,” alleging Elouise failed to comply with the trial court’s order to pay the mortgage on the Cabildo property.

The motions filed by Elouise and Shameca were set for November 25, 2024. The matters were taken under advisement. In a judgment dated December 18, 2024, the trial court granted the motion to annul the sale of the Cabildo property, returning the parties and property to the *status quo ante*, which included the transfer of title of the property back to Mrs. Patterson’s estate. The motion for contempt was held in abeyance pending further proceedings. The instant appeal of the judgment granting the motion to annul sale of property followed.

ASSIGNMENTS OF ERROR

On appeal, Shameca alleges the trial court erred by 1) finding that the sale of the Cabildo property was invalid, 2) finding there was no active mortgage, and 3) considering an inadmissible legal opinion.

LAW AND ANALYSIS

Annulment of Sale

In the interest of justice, we will start our analysis with a review of the proceedings that led to the judgment in question. In the administration of the succession below, Elouise challenged Quonika’s private sale of the Cabildo

property through a motion to annul. The motion alleged that Quonika, the succession's administratrix, breached her fiduciary duty by selling the property below market value to Shameca and failing to distribute sale proceeds to the heirs. It sought a rule to show cause why the sale of the Cabildo property should not be declared an absolute nullity. Elouise only requested service of the motion upon Quonika.

Elouise's "Motion to Reset Rule to Annul Sale of Immovable Property" alleged that she had no knowledge of Quonika's sale of the Cabildo property; no appraisal was performed prior to the sale; and no funds were paid to Mrs. Patterson's estate. It asserted the independent administrator agreed annulment would be in the heirs' best fiduciary interest. The motion requested service upon the independent administrator and Shameca¹, but omitted service upon Quonika.

After the April 17, 2024 and November 25, 2024 hearings on the motions, the trial court ultimately granted Elouise's motion to annul. The court returned the Cabildo property to the *status quo ante*, transferring the property back to the estate.

An action to set aside an authentic act of sale must be by an ordinary proceeding. *Succession of Harrison*, 408 So.2d 362 (La. App. 1st Cir. 1981). A motion seeking to set aside the sale of property is not a direct action; rather, it is a summary proceeding that does not require citation and other formalities required in ordinary proceedings. *Wells Fargo Bank, N.A. v. Doyle*, 22-1368 (La. App 5 Cir. 11/9/23), 378 So.3d 808, 811.

No one disputes there was a private sale of the Cabildo property by Quonika to Shameca.² Elouise sought annulment of that sale based on Quonika's alleged breach of her fiduciary duty to the estate; however, Shameca has never been made

¹ The record before us reflects that, until that point, this the first service of any pleading requested upon Shameca. Furthermore, we point out that, with the exceptions of Shameca, Elouise and Quonika, no other heirs have been served with any pleading involving this succession.

² Jennifer Hoover, the Assistant Supervisor of the Mortgage and Conveyance Records for the Clerk of Court in Jefferson Parish, testified that a sale of the Cabildo Property was recorded on July 11, 2023.

a defendant in her capacity as the owner of the Cabildo property. Shameca has not been served with a petition alleging any grounds for annulment of the sale or afforded the opportunity to defend her property rights through a trial on the merits. Courts are without the power to adjudicate the rights of a person who is not a party to the litigation or appropriately represented. *Succession of Panepinto*, 21-709 (La. App. 5 Cir. 9/13/22), 349 So.3d 1014, 1017. By granting Elouise’s motion, the trial court deprived Shameca of her property rights without affording her the due process of an ordinary proceeding. A motion to annul was an improper vehicle to nullify the sale of the Cabildo property.

Therefore, we find that the judgment granting Elouise’s motion to annul the sale of the Cabildo property and transferring title back to Mrs. Patterson’s estate is an absolute nullity.³ Accordingly, in the interest of justice, we vacate the trial court’s judgment and remand the matter for further proceedings.⁴ Because the judgment is vacated, we pretermitt any further discussion of the assignments of error and decline to render an opinion on the merits of the motion to annul.

VACATED AND REMANDED

³ See generally, *Succession of Virgadomo*, 610 So.2d 1105 (La. App. 5th Cir. 1992), where this Court considered a judgment on a rule to show cause that involved the title to real property of a succession. The judgment ordered the succession creditor, a former attorney for the succession, to receive title to the real property in full satisfaction against the succession. Even though he filed a motion in the proceeding, the creditor had not sued or been sued by the succession. The creditor appealed. On appeal, this Court found that the judgment was rendered upon a non-party, who was not served with a petition and cited to appear through ordinary procedure. The judgment forcing the transfer of title of the succession’s real property was found to be an absolute nullity. *Id.* at 1107.

⁴ La. C.C.P. art. 2164 provides, in pertinent part, “The appellate court shall render any judgment which is just, legal, and proper upon the record on appeal.”

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
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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 **APRIL 24, 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

25-CA-347

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE FRANK A. BRINDISI (DISTRICT JUDGE)

CHERIE E. TEAMER HENLEY
(APPELLANT)

MICHAEL F. SOMOZA (APPELLEE)

CHRISTOPHER L. KERRIGAN (APPELLEE)

PRESCOTT L. BARFIELD (APPELLEE)

MAILED

NO ATTORNEYS WERE MAILED