

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
August 6, 2004 Session

MIRA ANN (WALLER) MOSLEY v. CHARLES RAYMOND MOSLEY

**Chancery Court for Rutherford County
No. 01-2731-DR Royce Taylor, Judge**

No. M2003-01686-COA-R3-CV

WILLIAM C. KOCH, JR., P.J., M.S., concurring

I concur with the court's opinion. However, I write separately to emphasize my understanding of the legal import of the parties' April 25, 1995 "Marital Dissolution Agreement."¹ The property that each of the parties received as a result of that agreement became their separate property. Thus, by the time of the 2003 divorce proceeding, none of the property divided in accordance with the 1995 agreement should have been included in the parties' marital estate unless the parties had treated it as marital property between 1995 and 2003. This record contains no evidence that either Mr. Mosley or Ms. Mosley treated any of the property Mr. Mosley received under the 1995 agreement as marital property. Accordingly, in 2003, the property Mr. Mosley received under the 1995 agreement was his separate property.

WILLIAM C. KOCH, JR., P.J., M.S.

¹Neither party has challenged the validity of this agreement.