

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 28, 2014 Session

LORETTA M. GAITHER v. MICHAEL DELEON GAITHER

Appeal from the Circuit Court for Hamilton County
No. 12D459 Jacqueline S. Bolton, Judge

No. E2013-02681-COA-R3-CV - Filed October 13, 2014

CHARLES D. SUSANO, JR., J., concurring.

I concur completely in the majority's treatment of the piano issue. Under the proof before the trial court, I also concur in the majority's decision to modify the trial court's judgment as to the marital residence and the overall division of the marital estate. I write separately to express my view that it is sometimes appropriate to take into account the cost of selling an asset even though there is no present intent to sell. Since the proof in this case does not support the trial court's "20%" decision, I agree that this particular part of the trial court's judgment is not correct.

CHARLES D. SUSANO, JR., CHIEF JUDGE