

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
December 2, 2003 Session

**MYRTLE MARIE STAGNER v. LLOYD OTIS STAGNER**

**Appeal from the Chancery Court for Jefferson County  
No. 02-157 Telford E. Forgety, Chancellor**

**FILED FEBRUARY 27, 2004**

**No. E2003-00610-COA-R3-CV**

---

CHARLES D. SUSANO, JR., concurring.

I concur in the majority opinion. I write separately to further address the majority's treatment of the Illinois farm. I agree with the majority that the use of the parties' joint accounts – to which both parties contributed – to pay “real estate taxes, insurance premiums, repairs and maintenance on the farm” during the parties' 19-year marriage is clear evidence that “each party substantially contributed to [the Illinois farm's] preservation and appreciation.” *See* Tenn. Code Ann. § 36-4-121(b)(1)(B). This means that the *entire* “increase in value [of the Illinois farm] during the marriage,” *see id.*, is marital property. Obviously this does not end the inquiry, because the trial court on remand must decide how to make an *equitable* division of the marital property portion of the present value of the farm in the context of an overall division of the total marital property estate. *See* Tenn. Code Ann. § 36-4-121(c)(1)-(11).

---

CHARLES D. SUSANO, JR., JUDGE