

**STATE OF LOUISIANA**  
**COURT OF APPEAL, THIRD CIRCUIT**

**05-628**

**JOHN DAVID MOORE**

**VERSUS**

**ESTELLE MARTIN MOORE**

**COOKS, J., dissents.**

**Summary Judgement is not appropriate in this case. La. Code Civ. P. art. 969 (A). Further, the partition agreement's failure to include any specific reference to the wife's right to *future* spousal support while specifically limiting the husband's right to seek a reduction makes it ambiguous. The affidavits of the parties attorneys, involved in the drafting of the document, creates a genuine issue of material fact regarding the "meeting of the minds of the parties" on the spousal support issue.**