

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CA-00913-COA

WILEY BRYANT HARRISON

APPELLANT

v.

ELLEN TRAINOR HARRISON

APPELLEE

DATE OF JUDGMENT:	07/03/2025
TRIAL JUDGE:	HON. JACQUELINE ESTES MASK
COURT FROM WHICH APPEALED:	LEE COUNTY CHANCERY COURT
ATTORNEY FOR APPELLANT:	JERRY WESLEY HISAW
ATTORNEYS FOR APPELLEE:	JONATHAN W. MARTIN JAMES WILLIAM LODEN
NATURE OF THE CASE:	CIVIL - DOMESTIC RELATIONS
DISPOSITION:	AFFIRMED - 10/13/2026
MOTION FOR REHEARING FILED:	

BEFORE CARLTON, P.J., WEDDLE AND LASSITTER ST. PÉ, JJ.

LASSITTER ST. PÉ, J., FOR THE COURT:

¶1. Wiley Harrison appeals from a final judgment of the Lee County Chancery Court granting a fault-based divorce and awarding his ex-wife, Ellen Harrison, exclusive ownership of the marital house, along with 2.19 acres of adjoining property. The chancery court also determined that the entirety of a property Ellen bought before the marriage was non-marital property and belonged solely to Ellen. Wiley contends that the property Ellen bought prior to the marriage was converted to marital property by marital use. Wiley also asserts that there was a lack of substantial evidence for the chancellor to award the additional 2.19-acre adjoining property to Ellen.

¶2. After reviewing the record and arguments, we find no error and affirm.

FACTS AND PROCEDURAL HISTORY

¶3. Ellen Harrison and Wiley Harrison were married in 2004. Their marital home in Saltillo, Mississippi, was on a four-acre parcel with an adjoining sixty-two-acre parcel that also belonged to Ellen and Wiley. Each of the parties came into the marriage with separate assets and real property. Wiley owned a fishing operation on Green Acre prior to the marriage. Ellen purchased Butler Road Farm ten years prior to the marriage, which consisted of approximately 432 acres and was valued at approximately \$1.2 million. At no time in the marriage did Wiley or Ellen live on Butler Road Farm as a married couple, nor did Wiley consistently spend time at Butler Road Farm, as it was rented out to a third party for the majority of the marriage. Wiley did claim to remove bridges on Butler Road Farm and complete other various work tasks around the property, but Ellen disputed this claim. During their marriage, Ellen refinanced the Butler Road Farm to obtain a jointly signed loan that was used to build their marital home in Saltillo. It was disputed among the parties as to whether Wiley financially helped with this refinancing loan. When asked, Wiley did not provide specifics as to any payments he made, but Ellen asserted that all payments of the refinancing loan were paid for by the rental income that was made from renting Butler Road Farm.

¶4. The parties ultimately separated, and Ellen filed her complaint for divorce against Wiley, claiming habitual cruel and inhuman treatment. During the trial, Ellen testified that an additional 2.19 acres on the Saltillo property needed to be kept with the marital home due to septic outflow from the house that traveled past the parcel of the house onto the larger

sixty-two-acre tract. This testimony of the need and purpose of the inclusion of the additional 2.19-acre parcel for purposes of the septic system was not refuted by Wiley on either direct examination or cross-examination. Ultimately, the chancellor found that both Butler Road Farm and Green Acre were non-marital property. The court additionally awarded Ellen exclusive ownership of the former marital residence in Saltillo, along with an additional 2.19 acres from the sixty-two-acre adjacent tract that was awarded to Wiley.

ANALYSIS

¶5. “This Court employs a limited standard of review of property division and distribution in divorce cases.” *Gaskin v. Gaskin*, 304 So. 3d 641, 646 (¶9) (Miss. Ct. App. 2020). This is because “[t]he chancery court has substantial discretion as to the distribution of property in a divorce.” *Brown v. Brown*, 350 So. 3d 1169, 1178 (¶29) (Miss. Ct. App. 2022). “We will not disturb a chancellor’s findings unless the court was manifestly wrong, abused its discretion[,], or applied an erroneous legal standard.” *Gaskin*, 304 So. 3d at 646 (¶9).

I. Determination of Butler Road Farm as Non-Marital Property

¶6. Wiley argues that the chancellor erred in finding Butler Road Farm to be non-marital property because Butler Road Farm was converted into marital property by marital use. Wiley states that his contributions through removing bridges and other various tasks on Butler Road Farm converted the property to marital property. Wiley claims that the joint signature on the refinancing loan, the use of said loan to build their marital home, and the use of marital income to pay the mortgage associated with the refinance is evidence of Butler Road Farm

becoming so intertwined with marital finances that its character was transformed into a marital asset.

¶7. This Court has held that non-marital assets may be “converted into marital assets if they are commingled with marital property or utilized for domestic purposes, absent an agreement to the contrary.” *Neely v. Neely*, 305 So. 3d 164, 168 (¶13) (Miss. Ct. App. 2020). The Mississippi Supreme Court has stated that the “appreciation of the value of any non-marital asset may be taken into account to arrive at a fair division to the extent the non-titled spouse had made a contribution toward the appreciation of value.” *Craft v. Craft*, 825 So. 2d 605, 609 (¶13) (Miss. 2002). This Court has held that chancellors have discretion in determining if activities by a spouse are sufficient to commingle the property with the parties’ marital assets. *Gaskin*, 304 So. 3d at 648-49 (¶¶19, 22).

¶8. This Court has previously held that “merely using inherited property or cash for a joint purpose does not in and of itself equate into a conversion of separate property to marital property.” *Oates v. Oates*, 291 So. 3d 803, 807 (¶9) (Miss. Ct. App. 2020) (citing *Everett v. Everett*, 919 So. 2d 242, 248 (¶23) (Miss. Ct. App. 2005)). This Court has found no merit in an argument that separate property becomes marital property when used to renovate the marital domicile. *Everett*, 919 So. 2d at 248 (¶23). We have similarly held that a couple’s use of non-marital property as collateral for a loan to buy a marital home, in itself, does not operate to convert the property into marital property. *Bullock v. Bullock*, 218 So. 3d 265, 271 (¶¶16-17) (Miss. Ct. App. 2017). The Mississippi Supreme Court has held that a signature

of a spouse on purchase-money mortgages, notes, and other loan instruments does not automatically give a one-half interest in the property. *Cox v. Cox*, 183 So. 2d 921, 923 (Miss. 1966); *In re Est. of Evans*, 359 So. 2d 1381, 1383 (Miss. 1978).

¶9. Relevant to the issue of Butler Road Farm, the chancellor found that the “credible proof” presented at trial was “insufficient to establish that this property had been converted” from separate into marital property. The chancellor noted that Wiley’s “occasional activities” were not sufficient to convert the property to a marital asset. The chancellor also found that Ellen’s use of rental income from Butler Road Farm towards the marital home did not convert Butler Road Farm to marital property, citing *Oates*. A review of the record supports these findings.

¶10. Wiley testified that he had done some construction work on Butler Road Farm but that the work was not extensive. Ellen disputed that Wiley had ever worked on Butler Road Farm and testified that he had done nothing to increase its value. After hearing testimony from both parties, the chancellor determined that Wiley’s work, if any, was insufficient to increase the value of the property or convert the property to marital property. The chancellor, having the discretion to determine if activities completed on the property were sufficient to commingle the property, found that the property was not commingled.

¶11. The parties did not dispute that a mortgage on Butler Road Farm had been used, in part, to finance construction on the marital home or that Wiley was also a signor on the refinancing loan. But Ellen testified that she alone managed Butler Road Farm as a rental

property, paid the mortgage payments, and paid the property taxes. As noted, this Court has rejected the idea that using separate property as collateral for a loan to be used on a marital property is sufficient to convert the separate property into marital property, and the Mississippi Supreme Court has rejected the idea that a joint signature of a spouse on a loan instrument automatically gives the spouse a half-interest in the property. *Bullock*, 218 So. 3d at 271 (¶¶16-17); *Cox*, 183 So. 2d at 923.

¶12. Wiley argues that marital income was used to pay the refinancing loan for Butler Road Farm. Ellen, however, testified that the loan was paid solely by the rent payments secured by renting out Butler Road Farm itself. While it is contested between the parties if Wiley financially contributed to the debt against Butler Road Farm, the chancellor, who heard testimony from both parties and witnesses, found that Butler Road Farm was separate property.

¶13. The chancellor did not abuse her discretion in determining that Butler Road Farm was Ellen's separate property.

II. The Testimony about the 2.19 Acres as Evidence

¶14. Wiley argues that the chancellor lacked an evidentiary basis to alter the parties' property boundaries or diminish Wiley's titled interest in the adjoining sixty-two-acre parcel. Wiley asserts that there was no substantial evidence supporting the need, valuation, and justification for awarding the additional 2.19-acre parcel to Ellen.

¶15. The Mississippi Supreme Court has held that "[w]hen the testimony of a witness is

not contradicted, either by direct evidence or by circumstances, it must be taken as true.” *Mine Safety Appliance Co. v. Holmes*, 171 So. 3d 442, 456 (¶56) (Miss. 2015). Ellen testified at trial that the need and justification for the additional 2.19-acre inclusion was for the septic system. Wiley argues that this testimony is insufficient evidence of the need and justification for the award of the additional 2.19 acres. Ellen’s testimony at trial about the need and justification of the inclusion of the additional 2.19 acres was uncontradicted. Wiley did not refute that the additional 2.19 acres contained the septic system, either on direct examination or cross-examination. Wiley neither presented any physical or circumstantial evidence to the contrary, nor did he cause there to be any discrepancies that the chancellor would need to resolve. As Ellen’s testimony was not contradicted, it must be taken as true. *Mine Safety Appliance Co.*, 171 So. 3d at 456 (¶56). Thus, the chancellor did not abuse her discretion in finding that there was adequate evidence of the need and justification of the additional 2.19 acres to be awarded to Ellen.

¶16. Wiley also argues that the chancellor did not properly value the 2.19 acres, but the parties presented no evidence by which she could evaluate it. Wiley cannot complain now that there was no “certified survey or appraisal” when he failed to provide one at trial. Additionally, the chancellor noted that she had “taken into account the disparity of the [property] allocation . . . in [the] award of the 2.19 acres to Ellen and the items of personalty awarded to Wiley.” The chancellor considered the value of the property and adjusted her award accordingly.

CONCLUSION

¶17. Based on the record on appeal, the chancellor did not err in determining that Butler Road Farm was separate property or in awarding the additional 2.19 acres to Ellen. Neither the work completed by Wiley nor the joint signatures on the refinancing loan demonstrates an abuse of discretion on the part of the chancellor when making the determination of Butler Road Farm as separate property. Ellen's uncontradicted testimony was evidence of the need and justification of the chancellor's award of the additional 2.19 acres. For these reasons, we find that the chancellor did not abuse her discretion in deciding either of these issues and

¶18. **AFFIRMED.**

**BARNES, C.J., CARLTON AND WILSON, P.JJ., WESTBROOKS,
McDONALD, LAWRENCE, McCARTY, EMFINGER AND WEDDLE, JJ.,
CONCUR.**