

The Supreme Court of the State of Louisiana

WILLIAM BRUMFIELD

No. 2025-CC-01090

VS.

TOM DARRICK BERRY AND CHARLETTE  
ANNETTE GREEN

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IN RE: Tom Darrick Berry - Applicant Defendant; Applying For Supervisory Writ,  
Parish of East Baton Rouge, 19th Judicial District Court Number(s) C-731680, Court  
of Appeal, First Circuit, Number(s) 2025 CW 0370;  
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November 19, 2025

Writ application granted. See per curiam.

JMG  
JLW  
JDH  
WJC  
JBM  
PDG  
CRC

Supreme Court of Louisiana  
November 19, 2025

Katie Marjanovic  
Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 2025-CC-01090**

**WILLIAM BRUMFIELD**

**VS.**

**TOM DARRICK BERRY AND CHARLETTE ANNETTE GREEN**

On Supervisory Writ to the 19th Judicial District Court, Parish of East Baton  
Rouge

PER CURIAM

In 2018, Charlotte Green executed an act of donation transferring property to William Brumfield. In 2023, Ms. Green sold this property to Tom Darrick Berry.

Mr. Brumfield then filed a suit for injunctive and declaratory relief against Mr. Berry and Ms. Green. Mr. Berry filed a motion for summary judgment, asserting the 2018 act of donation was not recorded at the time of his purchase and could not affect his interests as a third-party purchaser. Mr. Brumfield opposed the motion on the ground there were questions of fact as to whether Mr. Berry had knowledge of the act of donation and Mr. Brumfield’s possession of the property, despite the failure to record the act of donation.

The district court denied the motion for summary judgment, and the court of appeal denied supervisory relief. Mr. Berry seeks review in this court.

The undisputed facts establish the 2018 act of donation was not recorded at the time Mr. Berry purchased the property. Pursuant to La. Civ. Code art. 3338, an instrument which transfers immovable property is “without effect as to a third person unless the instrument is registered by recording it in the appropriate mortgage or conveyance records. . . .”

Mr. Brumfield asserts summary judgment is inappropriate because there are questions of fact over Mr. Berry’s actual knowledge of the act of donation. However, in *Phillips v. Parker*, 483 So. 2d 972, 975–76 (La. 1986), we held, “[f]rom the

standpoint of the operation of the public records doctrine, knowledge is an irrelevant consideration.” *See also Cimarex Energy Co. v. Mauboules*, 2009-1170 (La. 4/9/10), 40 So.3d 931, 944 (explaining third persons “can rely on the absence from the public records of those interests that are required to be recorded.”).

In the absence of any genuine issues of material fact, the district court erred in denying Mr. Berry’s motion for summary judgment.<sup>1</sup> That judgment is reversed.

### **DECREE**

For the reasons assigned, the writ is granted and made peremptory. The judgment of the district court is reversed, and summary judgment is rendered in favor of Tom Darrick Berry holding that his rights as a third-party purchaser are not affected by the unrecorded 2018 donation. The case is remanded to the district court for further proceedings.

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<sup>1</sup> Mr. Berry also argues that the act of donation was an absolute nullity because it was not in authentic form. Because of our finding that the act was not properly recorded, we pretermitt any discussion of its validity.