

Neely, J., dissenting:

Alert! Sound the alarm for generous parents! Whiting v. Whiting strikes again!

In this case the marital home was purchased by Mrs. Pratt's father. His \$299,000 check was payable to both parties, deposited in a joint account and used to purchase the jointly titled house.

Indeed Mrs. Pratt's family gave the parties substantial gifts throughout their brief marriage that paid for the parties' high standard of living. However, the majority chooses to ignore the record and questions why the family law master and the circuit court awarded the entire value of the home to Mrs. Pratt and remands the case.

Why does the majority reach this absurd result? Whiting v. Whiting, 183 W. Va. 451, 396 S.E.2d 413 (1990) (Neely, J. dissenting). See Koontz v. Koontz, 183 W. Va. 477, 396 S.E.2d 439 (1990) (Neely, J., dissenting); Tallman v. Tallman, 183 W. Va. 491, 396 S.E.2d 453 (1990) (Neely, J., dissenting); Wood v. Wood, 184 W. Va. 744, 403 S.E.2d 761 (1991) (Neely, J., dissenting). See also

Charlton v. Charlton, 186 W. Va. 670, 413 S.E.2d 911 (1991) (Neely, J., concurring in part and dissenting in part) (ways a spouse can rebut the presumption of a gift to the marital estate).

The Pratts' marriage lasted less than four years, four good years because of the generosity of Mrs. Pratt's family. Now because of Whiting, Mrs. Pratt's family's generosity might, horrible contemplatu, continue to benefit their daughter's former husband.

Parents take note: Don't give joint gifts to your children and their spouses unless you really intend for the gifts to be equally divided when your children divorce. Legislature take note: Nobody understands W. Va. Code 48-2-1a(f) [1992] on separate estate. Maybe you can hire the guys who write the Batman comics to draw the majority a picture. Certainly nobody listens to me.