

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN THE ESTATE OF LAURA B.  
DOWNS, DECEASED; JAMES L.  
RUTTER, PERSONAL REPRESENTATIVE**

**v.  
ELDON BUGG**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD73316  
DATE: September 27, 2011

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Appeal From:

Boone County Circuit Court  
The Honorable Deborah Daniels, Judge

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Appellate Judges:

Division Two: Thomas H. Newton, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

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Attorneys:

Jean E. Goldstein, Columbia, MO, for respondent.

Eldon Bugg, Appellant Pro Se.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

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**RESPONDENT,**

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**APPELLANT.**

No. WD73316

Boone County

Before Division Two: Thomas H. Newton, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Eldon Bugg appeals from the trial court's judgment approving a Statement of Account, entering an Order of Complete Settlement, and discharging the Personal Representative. Bugg contends that the trial court erred in: (1) not disqualifying trial court judge, Deborah Daniels, because Bugg timely filed an application for disqualification; and (2) overruling Bugg's objections to the attorney's fees reflected in the Statement of Account because the fees were injurious to the estate of Laura Downs.

**Affirmed.**

**Division Two holds:**

(1) Bugg's motion to disqualify was untimely and appears instead to have been an impermissible delay tactic. Bugg's motion was expressly based on a claim of bias and prejudice associated with Judge Daniels's judgment holding Bugg in contempt and confining him to jail. Yet, following our reversal of Judge Daniels, Bugg did not seek Judge Daniels's disqualification in connection with the Estate's efforts to have Bugg's bond applied to the judgment. Nor did Bugg seek Judge Daniels's disqualification in connection with the Estate's Petition to Pay Attorney's Fees. Instead, Bugg waited to file his motion to disqualify until *after* the trial court authorized the payment of attorney's fees, and until *after* the Estate filed its Statement of Account reflecting payment of those authorized fees.

(2) Bugg bears the burden of providing us with a record on appeal permitting us to determine whether the trial court abused its discretion in awarding attorney's fees. Bugg has not and cannot sustain this burden given his failure to afford us with the transcript of the hearing on his objection to the Statement of Account, or the exhibits he introduced into evidence at that hearing.

Opinion by Cynthia L. Martin, Judge

September 27, 2011

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