

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**LEANNE MARIE PECHER**

**RESPONDENT,**

**v.**

**EDWARD GEORGE PECHER III**

**APPELLANT.**

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DOCKET NUMBER WD75030

DATE: April 30, 2013

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Appeal From:

Callaway County Circuit Court  
The Honorable Robert R. Sterner, Judge

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Appellate Judges:

Division Three: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt,  
Judge

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Attorneys:

Carla G. Holste, Jefferson City, MO, for respondent.

Daniel E. Hunt, Jefferson City, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**LEANNE MARIE PECHER,**

**RESPONDENT,**

**v.**

**EDWARD GEORGE PECHER III,**

**APPELLANT.**

No. WD75030

Callaway County

Before Division Three: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

Following a bench trial in the Circuit Court of Jackson County, the trial court entered a judgment of dissolution, dissolving the marriage of Leanne Marie Pecher and Edward George Pecher III. The trial court divided the marital property, established custody and awarded child support to Mother. On appeal, Father alleges the trial court erred in (1) "not making a just and equitable distribution of property" in that it accepted Mother's valuation of the home and not the appraiser's opinion; (2) ordering Father to pay a portion of Mother's attorney fees, alleging that there was no substantial evidence to support the award; (3) awarding child support for his nineteen-year-old son ("Son") because Son did not meet the statutory requirement of being enrolled in college by October 1 following high school graduation; and (4) in calculating the amount of child support owed because the court's Form 14 calculation did not contain an overnight visitation credit, nor did it accurately reflect Mother's monthly income.

**AFFIRMED IN PART, REVERSED IN PART**

Division Three holds:

Upon review, we hold that (1) because a party is qualified to testify as to the value of property and the court can believe or disbelieve either an owner or appraiser's valuation of property, the trial court did not err in accepting Mother's valuation of the marital home such that an equitable distribution resulted; (2) because substantial evidence established Father's misconduct during the marriage and separation, as evidenced by incidents of domestic violence against Mother and Son, misuse of finances and his incarceration for felony DWI while the case was pending, the court did not err in awarding Mother a portion of her attorney's fees; (3) because Son had joined the National Guard in order to receive tuition assistance and planned to enroll one semester late following a required training period, we find no error in the court's award of child support for Son as he fits the statutory exception to emancipation; and (4) with regard to the actual calculation of child support ordered by the court, we find error in the stated income of Mother, which both sides admitted, such that the court's award erroneously added \$30 per month to Father's child support obligation and added to the child support arrearage owed by Father.

As to this finding of error, pursuant to Rule 84.14, we recalculate the monthly child support amount to \$729 for two children and decrease the arrearage due Mother to \$8,019. We find no error in the court not awarding Father overnight visitation credits based on evidence that overnight visits had not occurred during the separation and would likely not occur in the future so as to warrant a credit. Thus, we reverse on the child support amount awarded to Mother as well as the arrearage and amend the judgment of the trial court accordingly, but affirm the judgment of the trial court in all other respects.

Opinion by Gary D. Witt, Judge

April 30, 2013

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