

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

GEORGE C. CULE, Respondent, ) No. ED100694  
 ) Appeal from the Circuit Court of  
vs. ) St. Louis County  
 ) Honorable Thomas J. Frawley  
ODETA C. CULE, Appellant. ) Filed: January 27, 2015

Odetta Cule (Wife) appeals the judgment and decree of dissolution of marriage to George Cule (Husband) entered by the Circuit Court of St. Louis County. Wife claims that the trial court erred in: (1) awarding joint legal and physical custody of their children without making specific findings as required upon a finding of domestic violence; (2) including in the judgment an abatement provision regarding Husband's support obligation; (3) awarding Husband the rental property as separate property; and (4) denying maintenance to Wife.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

Division Four Holds: Wife failed to preserve her claim that the trial court failed to make statutorily mandated findings because she did not raise the claim in a motion to amend the judgment. The trial court did not have the authority to abate Husband's support obligation based on Wife's failure to comply with the interim custody order and referral order because section 452.340.7 limits the trial court's authority to abate to failure to comply with "decrees of dissolution, legal separation or modifications thereof." The trial court did not err in awarding Husband the rental property as separate property because the record contains sufficient evidence to support the finding that he did not intend the property to be a gift to Wife. Nor did the trial court err in denying maintenance to Wife because the record supports the finding that Wife possessed sufficient property and was capable of earning an income to provide for her reasonable needs and support herself.

Opinion by: Patricia L. Cohen, P.J.  
Roy L. Richter, J., and Robert M. Clayton III., J., concur.

Attorney for Appellant: James C. Ochs  
Attorney for Respondent: Kristin K. Zurek

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