

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

THEODORE M. BARDEN,)	No. ED101443
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Thomas J. Frawley
JILL L. BARDEN,)	
)	
Appellant.)	FILED: March 10, 2015

Appellant Jill Barden (“Wife”) appeals from the judgment of the trial court modifying the dissolution decree dissolving her marriage to Respondent Theodore Barden (“Husband”). Wife presents three points on appeal. First, Wife asserts that the trial court erred in terminating Husband’s maintenance obligation solely due to Wife’s post-dissolution conduct. Second, Wife contends that the trial court erred in terminating Husband’s obligation to contribute toward the oldest child’s college expenses. Finally, Wife avers that the trial court erred in concluding that certain fees received by Husband were not commissions and therefore Wife was not entitled a percentage of the fees pursuant to the dissolution decree.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division III holds: The trial court misapplied the law in terminating Husband’s maintenance obligation because Wife’s post-dissolution conduct is not a relevant factor to be considered under Section 452.370. The trial court also misapplied the law when it eliminated Husband’s obligation to contribute toward his oldest child’s college expenses because of the poor relationship between Husband and the child. Those portions of the judgment are reversed and remanded to the trial court for reconsideration in accordance with this opinion. The remainder of the trial court’s judgment is affirmed.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Robert N. Hamilton and John R. Fenley

Attorney for Respondent: Sylvia Pociask

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