

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

In the Estate of)	
)	
WILLIAM J. McKENNA,)	No. ED103054
)	
Deceased.)	
_____)	
)	
KAREN L. McKENNA,)	
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	11SL-PR03332-01
)	
KAREN LYNNE HILGERT McKENNA,)	
KEVIN J. McKENNA, PAUL)	Honorable Carolyn C. Whittington
SHERIDAN, S.J., Trustees of the William)	
J. McKenna 1993 Trust, et al.,)	
)	Filed: June 30, 2016
Respondents.)	

Karen L. McKenna (“Widow”) appeals that part of the trial court’s judgment which denied her petition to set aside transfers by her spouse, William J. McKenna (“Decedent”), of various assets into his trust (the “McKenna Trust”) that she claims were made in fraud of her marital rights, and that part of the judgment which ordered that she receive no elective share of Decedent’s estate under section 474.160.1(1) because despite the challenged transfers, she received from Decedent upon his death an amount of money and property (including a beneficial interest in a trust funded by the McKenna Trust, the “Marital Trust”) that under section 474.163 completely offset the share of the estate Widow would otherwise have received under section 474.160 as a result of her election to take against Decedent’s will.

AFFIRMED.

DIVISION THREE HOLDS: The trial court did not err in denying Widow’s petition to set aside Decedent’s transfers. Because Decedent believed throughout his life that his prenuptial agreement with Widow was enforceable—and thus that Widow’s marital rights had been waived by the agreement in exchange for \$1 million in consideration from Decedent’s estate if he predeceased her—we cannot conclude that Decedent made the challenged transfers with fraudulent intent. Further, the trial court did not err in ordering that Widow receive no elective share of Decedent’s estate, since the court did not incorrectly calculate the value of her beneficial interest in the Marital Trust to be equivalent to the total value of its assets, which calculation completely offset Widow’s elective share.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., and Roy L. Richter, J., concur.

Attorneys for Appellant: Charles A. Redd, John R. Munich, Neal B. Griffin, and Rudy D. Beck

Attorneys for Respondents: Mike W. Bartolacci, Maria G. Zschoche, and David S. Slavkin

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.