MISSOURI COURT OF APPEALS
OPINION SUMMARY

B.J.E.,	)	No. ED103526
	)	
Appellant/Cross-Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	Honorable Kristine A. Kerr
J.B.E.,	)	
	)	
Respondent/Cross-Appellant.	)	FILED: September 27, 2016

B.J.E. ("Wife") and J.B.E. ("Husband") both appeal from a judgment of the motion court on Husband's motion for contribution from Wife. This appeal centers on the property distribution in a dissolution judgment dissolving the parties' marriage (the "Property Distribution" and the "Dissolution Judgment"). The Dissolution Judgment required the parties to sell the marital home, apply the proceeds to specific marital debt, and split "equally" any shortfall if the proceeds did not fully satisfy the debt. Part of the debt was the parties' pre-2007 tax liabilities (the "pre-2007 taxes"). The parties' joint tax attorney settled with the taxing authorities, and Husband paid the pre-2007 taxes. The motion court ordered Wife to repay Husband for her half of the pre-2007 taxes, but at a rate of $150 per month (the "payment plan"). On appeal, Wife argues that the motion court erred for two reasons: (1) by enforcing the Dissolution Judgment because the provision about the pre-2007 taxes was too indefinite to be enforced and (2) by requiring Wife to repay Husband because the voluntary-payment doctrine precluded Husband's recovery of the tax liability from her. In Husband's cross-appeal, he argues that the motion court lacked authority to stay its judgment and implement a payment plan allowing Wife to repay her half of the pre-2007 taxes.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART.

DIVISION FOUR HOLDS: We deny both of Wife's points because the Dissolution Judgment was sufficiently definite to enforce and because the voluntary-payment doctrine does not apply. We grant Husband's point because the motion court misapplied the law by ordering a payment plan that effectively modified the Property Distribution of the Dissolution Judgment.

Opinion by: Kurt S. Odenwald, Judge James M. Dowd, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Mary Ann Weems

Attorney for Respondent: Deborah C. M. Henry

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.