

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

In the Estate of ) NO. ED93117  
SHIRLEY MARIE SMITH, Deceased )  
Appellant. ) Appeal from the Circuit Court of  
Osage County  
Hon. Robert D. Schollmeyer  
FILED: December 15, 200

The Missouri Department of Social Services MO HealthNet Division (Department) appeals the order of the probate division of the circuit court denying the Department’s claim against the estate of Shirley Smith (Decedent).

REVERSED.

DIVISION ONE HOLDS: The personal representative failed to establish facts prohibiting the Department’s recovery under a statutory exception. The court enters judgment for the Department pursuant to Rule 84.14.

Opinion by: Clifford H. Ahrens, J. Kathianne Knaup Crane, P.J., and Nannette A. Baker, J., concur.

Attorney for Appellant: Chris Koster

Attorney for Respondent: Amanda L. Grellner

**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.**