

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHRISTIANNA NICOLE HENDERSON,)	No. ED98357
)	
Petitioner,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
KELVIN BERNARD HENDERSON,)	Honorable Douglas R. Beach
)	
Respondent.)	Filed: December 26, 2012

Christianna Nicole Henderson (Wife) appeals from the trial court’s judgment finding that Kelvin Bernard Henderson (Husband) was not in contempt for failing to pay marital debt assigned to him in the Decree of Dissolution (Decree), that the debt was partially dischargeable in bankruptcy, and in not awarding Wife all of her requested attorney’s fees. Husband cross appeals from the trial court’s monetary award in Wife’s favor based on the court’s alleged lack of authority and Wife’s failure to make a prima facie case of contempt.

REVERSED AND REMANDED.

Division One Holds: The trial court erred in finding the debt was partially dischargeable by Husband in bankruptcy, as the entire debt is nondischargeable pursuant to 11 U.S.C. 523 (a) (15). In addition, we find that Wife made a prima facie case of Husband’s contempt of the Decree. Based on these findings, the judgment is reversed and the cause remanded to the trial court for reconsideration of the issues of Husband’s contempt and Wife’s reasonable attorney’s fees.

Opinion by: Sherri B. Sullivan, J. Clifford H. Ahrens, P.J., and Glenn A. Norton, J., concur.

Attorney for Petitioner: Kevin T. Lake
Attorney for Respondent: Jonathan D. Marks

<p>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.</p>
