

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARNI BETH LICHTENFELD,	)	No. ED98742
	)	
Petitioner/Respondent	)	Appeal from the Circuit Court of
vs.	)	St. Louis County
	)	
MARK ALAN LICHTENFELD,	)	Hon. Douglas Beach
	)	
Respondent/Appellant.	)	FILED: June 25, 2013

Mark Lichtenfeld (Husband) appeals the trial court's dissolution judgment in various respects relating to the characterization and division of property awarded to his former spouse, Marni Lichtenfeld (Wife).

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

DIVISION ONE HOLDS:

(1) The trial court erred in offsetting against Husband's share of the marital estate \$95,000 received from the sale of the couple's previous residence in 2004. The funds no longer existed at the time of trial in 2011, and there was no allegation by Wife, evidence in the record, or finding by the trial court that Husband concealed or squandered the funds in anticipation of dissolution.

(2) The trial court erred when, on Husband's post-trial motion to reduce the marital estate by \$100,000 due to an error in characterization, the court subsequently adjusted its division of the estate as it deemed equitable, but not equally, in contravention of the parties' prenuptial agreement.

(3) The trial court erred in its characterization of Husband's personal vehicle as marital property. The record demonstrated that Husband purchased the vehicle with separate funds. As such, under the prenuptial agreement, the vehicle remained Husband's separate property.

(4) With respect to Husband's remaining points, the trial court's judgment is affirmed in a separate memorandum under Rule 84.16(b).

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

Attorney for Appellant:      Alan E. Freed

Attorney for Respondent:      Michael Gross

**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.**