

**Summary of SC90458, *In re the Marriage of: Gerald A. Hillis and Elizabeth M. Hillis. Gerald A. Hillis v. Elizabeth Hillis***

Appeal from the Butler County circuit court, Judge Paul McGhee  
Argued and submitted Feb. 23, 2010; opinion issued May 11, 2010

**Attorneys:** Husband was represented by Amy Bonifield Galloway and Kristi J. Booker of Spain, Miller & Spain LLC in Poplar Bluff, (573) 686-5868; and Wife was represented by Benjamin E. Thompson and L. Dwayne Hackworth of Hackworth, Hackworth & Ferguson LLC in Piedmont, (573) 223-4247.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** A husband appeals the trial court's determination that his ex-wife's efforts entitle her to half the increase in value of his business, which is his separate property. In a unanimous per curiam decision that cannot be attributed to any particular judge, the Supreme Court of Missouri affirms the trial court's determination, finding substantial evidence supports the award.

**Facts:** Husband owned a funeral home. The October 2001 decree dissolving Husband's second marriage valued the funeral home at \$20,000. Three months later, Wife began working at the funeral home. She worked up to 90 hours per week and was paid \$800 biweekly. Later, she worked 40 to 60 hours per week for \$1,380 biweekly. In April 2002, Husband and Wife married. Shortly thereafter, Wife received notice that a tax lien was placed on her premarital property to secure payment of approximately \$110,000 in back taxes Husband and the funeral home owed. She also learned of approximately \$250,000 missing from the corporation's trust account, \$40,000 in uncollected accounts payable and \$183,000 in bank loans. During the course of the marriage, Wife conducted all business and corporate banking for the funeral home and refinanced the funeral home's debt, both as a corporate officer and as a personal guarantor. She kept the books, managed the office, arranged advertising, made capital improvements to the funeral home and introduced new products. As a result of their efforts, Husband and Wife reduced the funeral home's debt and improved the business so that, at the trial in their case to dissolve their marriage, they estimated the funeral home's value as between \$450,000 and \$600,000. The trial court determined that the funeral home was Husband's separate property, that Wife's contribution of substantial services increased the funeral home's value by reducing its corporate indebtedness and that she had not been compensated adequately for her services. The court awarded her \$100,000 as her share in the increase of the funeral home's value resulting from her efforts. Husband appeals.

**AFFIRMED.**

**Court en banc holds:** Substantial evidence supports the trial court's determination. For marital labor, effort or services to result in a marital interest in the increased value of a spouse's separate property, there must be proof of a contribution of substantial services; a direct correlation between those services and the increased value; the amount of the increased value; performance of services during the marriage; and the value of the services, the lack of compensation or inadequate compensation. Here, testimony and other evidence support each of these factors.