

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JAMES PRICE SCHUMACHER, ET AL.,
APPELLANTS
vs.**

**LOUIS EDWARD SCHUMACHER AUSTIN, RESPONDENT
RESPONDENT**

DOCKET NUMBER WD74901

DATE: MARCH 12, 2013

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Kathleen A. Forsyth, Judge

Appellate Judges:

Division Three: Mark D. Pfeiffer, P.J., Victor C. Howard and Alok Ahuja, JJ.

Attorneys:

George E. Kapke, for Appellants

Danny L. Curtis, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES PRICE SCHUMACHER, ET AL., APPELLANTS

v.

LOUIS EDWARD SCHUMACHER AUSTIN, RESPONDENT

WD74901

Jackson County, Missouri

Before Division Three: Mark D. Pfeiffer, P.J., Victor C. Howard and Alok Ahuja, JJ.
James P. Schumacher and Cindy Sue Schumacher (collectively Beneficiaries) appeal the trial court's orders showing satisfaction of judgment in favor of Louis Edward Schumacher Austin and Sara Schumacher (collectively Trustees). They contend that the court's orders improperly modified the judgment sought to be satisfied. The orders are reversed, and the case is remanded to the trial court with directions.

REVERSED AND REMANDED.

Where the plain language of the declaratory judgment declared the Partnership and LLC and the transactions by which they were funded void and ordered Trustees to undo those transactions and specifically, with regard to the Corporation's stock, to distribute to each of the four Trust beneficiaries 25% of the stock, the trial court did not have any authority to rule that 13 shares of the Corporation were never owned by the Trust and were not among those assets that Trustees were required to distribute to Beneficiaries and that receipt of 24.32% of the Corporation's stock by each of the Trust beneficiaries satisfied the judgment. The orders granting Trustees' motion for entry of satisfaction of judgment and denying Beneficiaries' motion to enforce and entering a separate satisfaction of judgment are, therefore, reversed, and the case is remanded with directions that the trial court order Trustee Austin to satisfy the declaratory judgment including ensuring that the Trust beneficiaries each receive 25% of the outstanding stock of the Corporation.

Opinion by: Victor C. Howard, Judge

Date: March 12, 2013

This summary is *UNOFFICIAL* and should not be quoted or cited.