

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

IN THE ESTATE OF LAURA B. DOWNS, Deceased

JAMES L. RUTTER, Personal Representative,

Respondent,

v.

ELDON BUGG,

Appellant.

DOCKET NUMBER WD75303

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: March 5, 2013

APPEAL FROM

The Circuit Court of Boone County, Missouri
The Honorable Deborah Daniels, Judge

JUDGES

Division I: Pfeiffer, P.J., and Howard and Ahuja, JJ.

CONCURRING.

ATTORNEYS

Jean E. Goldstein
Columbia, MO

Attorney for Respondent,

Eldon Bugg
Boonville, MO

Appellant, *pro se.*



MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

IN THE ESTATE OF LAURA B. DOWNS,)
Deceased)
)
JAMES L. RUTTER, Personal)
Representative,)
) **OPINION FILED:**
Respondent,) **March 5, 2013**
)
v.)
)
ELDON BUGG,)
)
)
Appellant.)

WD75303

Boone County

Before Division I Judges: Mark D. Pfeiffer, Presiding Judge, and Victor C. Howard and Alok Ahuja, Judges

Eldon Bugg (“Bugg”) appeals from two orders of the Circuit Court of Boone County, Missouri: the presiding judge’s order refusing to reassign the case to a different judge, and the probate division’s order declining to rule on Bugg’s claim for relief under Rule 74.06(b).

DISMISSED.

Division I holds:

The administration of the estate of a decedent, from the filing of the application for letters testamentary or of administration until the decree of final distribution and the discharge of the last personal representative, is deemed one proceeding *in rem* for purposes of jurisdiction. Aggrieved parties have the right to appeal from that final decree.

Bugg appealed the judgment of final distribution in *Rutter v. Bugg (Estate of Downs)*, 348 S.W.3d 848 (Mo. App. W.D. 2011). In our decision, we affirmed the probate court’s decree of final distribution and specifically affirmed the probate court’s denial of Bugg’s motion to disqualify the probate judge. Bugg had the opportunity to raise all issues related to the closing of

the Estate in that appeal. The docket entry orders of the presiding judge and the probate judge are not appealable orders, and this court lacks jurisdiction to consider the merits of Bugg's appeal.

Opinion by: Mark D. Pfeiffer, Presiding Judge

March 5, 2013

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.