

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

COMPLETE TITLE OF CASE

JOE VENTON JENKINS,

Respondent,

v.

EVELYN SUE JENKINS,

Appellant.

DOCKET NUMBER WD75800

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: August 27, 2013

APPEAL FROM

The Circuit Court of Bates County, Missouri
The Honorable Michael C. Dawson, Judge

JUDGES

Division Two: Newton, P.J., and Mitchell and Witt, JJ.

CONCURRING.

ATTORNEYS

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

JOE VENTON JENKINS,)
)
) **Respondent,**)
v.) **OPINION FILED:**
) **August 27, 2013**
EVELYN SUE JENKINS,)
)
) **Appellant.**)

WD75800

Bates County

Before Division Two Judges: Thomas H. Newton, Presiding Judge, and Karen King Mitchell and Gary D. Witt, Judges

Evelyn Sue Jenkins appeals the trial court's judgment dissolving her marriage to Joe Venton Jenkins and dividing their marital property. She argues that the trial court erred by dividing the marital property disproportionately. She further argues that the equalization payment failed to truly equalize the disproportionate property division. Because the challenge to the division of property is barred by the law of the case doctrine and we find no error in the court-ordered equalization payment, we affirm the judgment of the trial court.

AFFIRMED.

Division Two holds:

- (1) Because a challenge to the disproportionate division of marital property was raised or could have been raised in *Jenkins v. Jenkins*, 368 S.W.3d 363 (Mo. App. W.D. 2012), Evelyn Sue Jenkins's first appeal to this Court in the case, she is precluded by the law of the case doctrine from raising the same argument in this appeal.
- (2) The purpose of an equalization payment is not to make the division of marital property mathematically equal; the purpose is to make the division fair and equitable. The trial

court did not err in ordering Joe Venton Jenkins to pay a \$4,000.00 equalization payment to Evelyn Sue Jenkins.

Opinion by: Karen King Mitchell, Judge

August 27, 2013

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