

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TERRY ANNETTE HOPKINS

RESPONDENT,

**v.
CHARLES DAVID HOPKINS**

APPELLANT.

DOCKET NUMBER WD77267

DATE: November 25, 2014

Appeal From:

Pettis County Circuit Court
The Honorable Richard Paul Beard II, Judge

Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Myron J. McNeal, Sedalia, MO, for respondent.

Steven A. Fritz, Sedalia, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TERRY ANNETTE HOPKINS,

RESPONDENT,

v.

CHARLES DAVID HOPKINS,

APPELLANT.

No. WD77267

Pettis County

Before Division Three: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Charles David Hopkins appeals a trial court judgment denying his motion to terminate his maintenance obligation to Terry Annette Hopkins. Husband argues that the trial court erroneously failed to terminate maintenance even though it found that Wife was cohabitating with another man, and that the trial court erroneously failed to terminate maintenance in light of the fact that Wife was providing financial assistance to several people who were living with her.

Affirm.

Division Three holds:

(1) The trial court did not err as a matter of law by considering both the nature of Wife's cohabitation relationship with another man and the financial implications of the relationship in concluding that Husband did not sustain his burden to establish a substantial change in circumstances requiring the termination of his maintenance obligation.

(2) The trial court properly evaluated the extent to which those cohabiting with Wife should be expected to assist with reasonable expenses in determining to deny Husband's motion.

(3) The trial court's determination that Wife's minimal assistance with the minor needs of cohabitants did not constitute a substantial and continuing change in circumstances warranting termination of Husband's maintenance obligation was not against the weight of the evidence and was supported by substantial evidence.

Opinion by Cynthia L. Martin, Judge

November 25, 2014

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