

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DANIEL NAVARRO,

Respondent,

v.

MARISA NAVARRO,

Appellant.

DOCKET NUMBER WD77820

Date: July 28, 2015

Appeal from:
Platte County Circuit Court
The Honorable Wanda A. Hansbrough, Judge

Appellate Judges:
Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Anthony
Rex Gabbert, Judges

Attorneys:
Daniel Navarro, Kansas City, MO Respondent Pro Se.
Dennis R. Rowland, Kansas City, MO for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

DANIEL NAVARRO

Respondent,

v.

MARISA NAVARRO,

Appellant.

WD77820

Platte County

Before Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Marisa Navarro ("Wife") appeals from the judgment dissolving her marriage to Daniel Navarro ("Husband") and finding her to be in contempt of certain provisions in the judgment.

APPEAL DISMISSED AND CASE REMANDED.

Division Three holds: Section 452.330.1, RSMo 2000, requires the circuit court in a dissolution proceeding to determine whether the parties' property is marital or non-marital and, if marital, divide it in a just manner. Because the amended dissolution judgment in this case did not classify and divide Husband's 401(k) plan or otherwise address the omission of the plan from the property division, it was not final and appealable. The court's failure to classify and divide property deprives this court of jurisdiction over the appeal. Therefore, the appeal is dismissed and the case is remanded to the circuit court to address the parties' undivided property and any matters within the circuit court's continuing jurisdiction.

Opinion by: Lisa White Hardwick, Judge

July 28, 2015

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