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IN THE
MISSOURI SUPREME COURT

JASON BOWERS,	)	
	)	
Petitioner-Respondent,	)	
	)	
v.	)	**No. SC96545**
	)	
JESSICA BOWERS,	)	
	)	
Respondent-Appellant.	)	

Appeal from the Circuit Court of the
City of Saint Louis, State of Missouri
The Honorable Elizabeth Hogan, Judge

SUBSTITUTE BRIEF OF PETITIONER-RESPONDENT, JASON BOWERS

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JURISDICTIONAL STATEMENT

Petitioner-Respondent, JASON SCOTT BOWERS (hereinafter referred to as "Father"), disputes the characterization by Respondent-Appellant, JESSICA LAYNE BOWERS (hereinafter referred to as "Mother"), of the trial court's action of May 26, 2015 as the entry of an amended judgment.

Mother timely filed her "Motion for New Trial, Motion to Amend the Full and Final Judgment. [L.F. p. 182]. One of its challenges was a complaint that the trial court "failed to set forth the required relevant factors in making this custody determination." [L.F. p. 183]. Mother sought to waive argument on her Motion. [L.F. p. 188]. Upon hearing the Motion, the trial court overruled Mother's Motion in every respect with the exception of attaching an Addendum with more specific statutory findings in accordance with Section 452.375 R.S.Mo. as requested by Mother. [L.F. p. 191]. The trial court made no changes to its Judgment.

This Court has a duty to determine whether it has jurisdiction before it can consider the merits of an appeal. *Breihan v. Breihan*, 269 S.W.3d 38, 40 (Mo. App. 2008). Jurisdiction is vested in the Court of Appeals by the timely filing of a Notice of Appeal. *Johnson v. Johnson*, 122 S.W.3d 613, 614 (Mo. App. 2003). Since there is no jurisdiction, the appeal should have been dismissed. *Cotter v. Miller*, 54 S.W.3d 691, 693 (Mo. App. 2001).

Here, as stated above, a Motion for New Trial was filed. The Motion was ruled upon prior to the expiration of ninety (90) days from the date of its filing. Therefore, it

became final at that point. *River Salvage, Inc. v. King,* 11 S.W.3d 877, 879 (Mo. App. 2000). The Notice of Appeal must be filed ten (10) days after a judgment becomes final. *American Family Mut. Ins. Co. v. Hart*, 41 S.W.3d 504, 508 (Mo. App. 2000).

The situation in this case is similar to that which confronted the Western District of the Court of Appeals in *Dangerfield v. City of Kansas City*, 108 S.W.3d 769 (Mo. App. 2003). There, the City of Kansas posited that the trial court's ruling on its post-trial motion to reduce damages resulted in an amended judgment, not merely a ruling on an authorized post-trial motion. Judge Lowenstein explained the court's reasoning:

> Treating the August 22nd judgment *cum* November 29th order as a new, amended judgment would risk creating a policy nightmare. A party could, as the City has done, move to amend the judgment to comply with, say, a statutory cap and then file a motion for a new trial. If the court denied the latter and granted the former in an (aptly denominated) order, the party could then move for the order to be re-branded a "judgment." Then the party could, as the City has done here, make the identical motion for a new trial.

Id. at 775.

Consequently, the Court of Appeals did not have jurisdiction to hear this appeal. Nevertheless, on May 30, 2017, the Missouri Court of Appeals, Eastern District filed its opinion affirming the trial court's judgment over the dissent of Lisa P. Page, Judge. On June 19, 2017, Mother filed her Motion for Rehearing and her Application for Transfer.

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On June 30, 2017, the Missouri Court of Appeals, Eastern District, withdrew its opinion and simultaneously issued a new opinion, which likewise affirmed the trial court's judgment over Judge Page's dissent. Judge Page proceeded to transfer this matter to this Court pursuant to Rule 83.03. Therefore, should this Court determine that the Court of Appeals had jurisdiction, then this Court likewise has jurisdiction pursuant to Article V, Section 10 of the Missouri Constitution.

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STATEMENT OF FACTS

In the interest of judicial economy, Petitioner-Respondent shall set forth such additional facts as may be necessary in the Argument portions of this Brief pertaining to the points raised by Respondent-Appellant.

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POINTS RELIED ON

I.

THE TRIAL COURT CORRECTLY ENTERED ITS PARENTING PLAN WHICH IMPLEMENTED WHAT AMOUNTED TO A JOINT PHYSICAL CUSTODY SCHEDULE BECAUSE SUCH CUSTODY DETERMINATION WAS SUPPORTED BY SUBSTANTIAL EVIDENCE AND WAS NOT AGAINST THE WEIGHT OF THE EVIDENCE IN THAT THE TRIAL COURT'S PHYSICAL CUSTODY SCHEDULE, WHICH AWARDED MOTHER EVERY WEDNESDAY NIGHT, ALTERNATE WEEKENDS FROM FRIDAY TO MONDAY, AS WELL AS ALTERNATE HOLIDAY PERIODS AND ONE WEEK EACH SUMMER, CONSTITUTED JOINT PHYSICAL CUSTODY REGARDLESS OF THE TRIAL COURT'S DENOMINATION OF THE ARRANGEMENT, AND THE EVIDENCE, AS ACCEPTED BY THE TRIAL COURT, JUSTIFIED THE IMPLEMENTATION OF THE PARENTING PLAN; ADDITIONALLY, MOTHER'S ARGUMENT THAT THE TRIAL COURT'S JUDGMENT WAS AGAINST THE WEIGHT OF THE EVIDENCE PRESUPPOSES THE EXISTENCE OF SUBSTANTIAL EVIDENCE TO SUPPORT THE JUDGMENT AND THE CHALLENGE TO THE LACK OF A SPECIAL, PARTICULAR FINDING WAS NOT RAISED IN MOTHER'S POST-TRIAL MOTION OR OTHERWISE BROUGHT TO THE ATTENTION OF THE TRIAL COURT AND WAS THEREFORE WAIVED.

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LaRocca v. LaRocca, 135 S.W.3d 522 (Mo. App. 2004)

In Interest of K.K.M., 647 S.W.2d 886 (Mo. App. 1983)

In Re Marriage of Geske, 421 S.W.3d 490 (Mo. App. 2013)

Pasternak v. Pasternak, 467 S.W.3d 264 (Mo. banc 2015)

II.

THE TRIAL COURT PROPERLY ADDRESSED FATHER'S REQUEST FOR A CUSTODY AWARD IN THE DISSOLUTION PROCEEDING BECAUSE IT DID NOT MISAPPLY THE LAW IN THAT *IN RE T.Q.L.* 386 S.W.3D 135 (MO. BANC 2012) ALLOWS THE TRIAL COURT TO PROCEED IN THE BEST INTERESTS OF THE CHILD, THAT TO APPLY THE INTERPRETATION OF SECTION 452.375 R.S.MO. ELUCIDATED IN *IN RE MARRIAGE OF SAID*, 26 S.W.3D 839 (MO. APP. 2000) WOULD, ESPECIALLY IN VIEW OF *T.Q.L.*, BE ABSURD; MOREOVER, INSOFAR AS THE CASE HAS ALREADY BEEN TRIED, UNLIKE *SAID*, WHERE THE TRIAL COURT HAD MERELY RESERVED THE CUSTODY ISSUE FOR ANOTHER PENDING ACTION, REVERSAL WOULD BE A POINTLESS ACT.

In Re T.Q.L., 386 S.W.3d 135 (Mo. banc 2012)

State v. Kinder, 122 S.W.3d 624 (Mo. App 2003)

Mickey v. BNSF Railway Company, 437 S.W.3d 207 (Mo. banc. 2014)

In Re Marriage of Said, 26 S.W.3d 839 (Mo. App. 2000)

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ARGUMENT

I.

THE TRIAL COURT CORRECTLY ENTERED ITS PARENTING PLAN WHICH IMPLEMENTED WHAT AMOUNTED TO A JOINT PHYSICAL CUSTODY SCHEDULE BECAUSE SUCH CUSTODY DETERMINATION WAS SUPPORTED BY SUBSTANTIAL EVIDENCE AND WAS NOT AGAINST THE WEIGHT OF THE EVIDENCE IN THAT THE TRIAL COURT'S PHYSICAL CUSTODY SCHEDULE, WHICH AWARDED MOTHER EVERY WEDNESDAY NIGHT, ALTERNATE WEEKENDS FROM FRIDAY TO MONDAY, AS WELL AS ALTERNATE HOLIDAY PERIODS AND ONE WEEK EACH SUMMER, CONSTITUTED JOINT PHYSICAL CUSTODY REGARDLESS OF THE TRIAL COURT'S DENOMINATION OF THE ARRANGEMENT, AND THE EVIDENCE, AS ACCEPTED BY THE TRIAL COURT, JUSTIFIED THE IMPLEMENTATION OF THE PARENTING PLAN; ADDITIONALLY, MOTHER'S ARGUMENT THAT THE TRIAL COURT'S JUDGMENT WAS AGAINST THE WEIGHT OF THE EVIDENCE PRESUPPOSES THE EXISTENCE OF SUBSTANTIAL EVIDENCE TO SUPPORT THE JUDGMENT AND THE CHALLENGE TO THE LACK OF A SPECIAL, PARTICULAR FINDING WAS NOT RAISED IN MOTHER'S POST-TRIAL MOTION OR OTHERWISE BROUGHT TO THE ATTENTION OF THE TRIAL COURT AND WAS THEREFORE WAIVED.

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Mother's first Point challenges the trial court's award of sole legal and physical custody to Father. Despite Mother's claims, the Judgment should be affirmed.

Appellate courts will affirm a trial court's child custody determination if it is supported by substantial evidence, is not against the weight of the evidence, and does not erroneously declare or apply the law. *In Re Marriage of Richards*, 188 S.W.3d 478, 479 (Mo. App. 2006). In reviewing whether a judgment is supported by substantial evidence, this Court views the evidence in the light most favorable to the judgment, accepting as true evidence and inferences favorable to the judgment and disregarding all contrary evidence. *Matter of A.L.R.*, 511 S.W.3d 408, 413 (Mo. banc 2017). Furthermore, the trial court is given broad discretion in child custody matters. *C.A.W. v. Weston,* 58 S.W.3d 909, 911 (Mo. App. 2001). In reviewing an award of custody, the appellate court presumes that all evidence was considered by the trial court, and it should not substitute its judgment for that of the trial court so long as there is credible evidence upon which the trial court can formulate its beliefs. *In Re Marriage of Powell*, 948 S.W.2d 153, 156 (Mo. App. 1997). The appellate court presumes that the best interests of the child motivate the trial court. *Seaman v. Seaman*, 41 S.W.3d 889, 892 (Mo. App. 2001). When there is contradictory evidence, it will be reviewed in the light most favorable to the judgment. *In Re Adoption of C.M.*, 414 S.W.3d 622, 664 (Mo. App. 2013). An appellant faces a heavy burden to overturn the trial court's decision relating to an award of child custody. *Keel v. Keel*, 439 S.W.3d 866, 875 (Mo. App. 2014).

Before moving to the merits of Mother's argument, two matters must be

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addressed. First, in her brief filed in the Court of Appeals, Mother claimed that the trial court's Judgment was not only unsupported by substantial evidence, but that it was also against the weight of the evidence. Father is assuming that Mother is standing by the position taken in her Reply Brief filed in the Court of Appeals that, in light of this Court's holding in *Pasternak v. Pasternak*, 467 S.W.3d 264, 270 (Mo. banc 2015), a contention that a judgment is against the weight of the evidence presupposes that there was substantial evidence to support the judgement, and is challenging only the substantial evidence to support the judgment.

Second, Mother attacks the trial court's failure to find that the child's welfare required custody to be awarded to Father. This argument must fail for two reasons. The primary rationale is that under Rule 78.07(c), which was effective January 1, 2005, an aggrieved party is required to file a motion to alter or amend a judgment specifically raising any allegations of error relating to the form or language of the judgment in order to preserve those claims of error for appellate review. *Beschers v. Beschers*, 433 S.W.3d 498, 511 (Mo. App. 2014). The purpose of Rule 78.07(c) is to ensure that such express complaints are brought to the attention of the trial court so they can be addressed prior to appeal. *Ruhl ex rel. Axt v. Ruhl*, 401 S.W.3d 553, 557 (Mo. App. 2013). Mother did not raise this issue before the trial court in her post-trial motion; therefore, it is not preserved for review. *In Re Marriage of Geske*, 421 S.W.3d 490, 497 (Mo. App. 2013).

Additionally, even without taking into account the effect of Rule 78.07(c), Mother's contention in this regard was never presented to the trial court. An appellate

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court does not generally consider arguments raised for the first time on appeal. *Schild v. Schild*, 272 S.W.3d 329, 330 (Mo. App. 2008).

The thrust of Mother's attack on the Judgment is that she, as the child's biological mother, could be not denied custody in favor of Father. Mother's Brief conveys the impression that her daughter has been completely excised from her life. Fortunately, such is not the case. A review of the Parenting Plan adopted by the trial court, however, indicates that Mother was allocated physical custody overnight every Wednesday, as well as from 4:00 p.m. on Friday to 8:00 a.m. on Monday on alternate weekends. [S.L.F. p. 7.] Additionally, the trial court implemented a quite detailed Holiday/Special Occasion Schedule, which resulted in the child spending significant time with each parent. [S.L.F. pp. 8-9.] Furthermore, each party was allowed to receive one (1) week each summer. [S.L.F. p. 6.] Such a schedule closely approximates the arrangement laid out in *Siegenthaler v. Siegenthaler*, 761 S.W.2d 262, 266 (Mo. App, 1988).

Section 452.375.1(3) states as follows:

> "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents.

The statute does not define sole physical custody. Consequently, since the trial

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court ordered significant periods when the child is in the care of each parent, the award is actually one of joint physical custody, regardless of how the trial court characterized it. *LaRocca v. LaRocca*, 135 S.W.3d 522, 525 (Mo. App. 2004).

Here, the amount of time allocated to Mother under the Parenting Plan herein greatly exceeds the amount awarded to the father in *Nichols v. Ralston*, 929 S.W.2d 302 (Mo. App. 1996). There, the Southern District considered a custody schedule of alternate weekends, fifteen (15) days each summer and other alternate periods throughout the year, presumably holidays, amounting to twenty percent (20%) of the year, as constituting joint physical custody. *Id.* at 304-5.

Moreover, the decision of the Eastern District in *Wood v. Wood*, 193 S.W.3d 307 (Mo. App. 2006), mandates designation of the Parenting Plan entered by the trial court herein as being one of joint physical custody. In *Wood*, the father therein was granted two (2) weekends a month, one (1) three hour visit each week, a gradually increasing amount of time each summer as the child in question matured, and other holidays. Again, the amount of time allotted to the father in *Wood* was less than that allocated to Mother here. Just as the Court of Appeals determined that Mr. Wood was granted joint physical custody, so too must this Court conclude that the trial court's Parenting Plan, rather than being one of sole physical custody with Father, actually implemented a joint physical custody arrangement. Such a recognition of Mother's joint physical custody undercuts her premise that she was deprived of custody of her child in favor of the non-biological Father.

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The trial court has an affirmative duty to determine what is in the best interests of the child. *Keel*, *supra* at 75. There is a **rebuttable** presumption that the child's welfare is best served by awarding her custody to Mother. *In Re R.C.P.*, 57 S.W.3d 365, 374 (Mo. App. 2001). That natural parent's superior right vanishes, *Matter of C.W.B*, 578 S.W.2d 610, 614 (Mo. App. 1979), when the welfare of the child requires it. *R.C.P.*, *supra.*

In custody proceedings, the welfare of the child is the primary and overriding consideration. *Johnston v. Johnston*, 573 S.W.2d 406, 412 (Mo. App. 1978). The rights and claims of Mother, as the natural parent, must be of secondary importance. *In Re W.J.F.M.*, 231 S.W.3d 278, 282 (Mo. App. 2007). Mother focuses almost exclusively on the issue of her fitness in challenging the trial court's custody order. However, as noted by Judge Snyder in *In Interest of K.K.M.*, 647 S.W.2d 886 (Mo. App. 1983):

> If rebuttal of the presumption in favor of the natural parent is limited to evidence of unfitness or incompetence of the parent, then there arises the danger that the best interests of the child may not be served due to the exclusion of other relevant factors . . ..
>
> * * *
>
> In most cases the natural parent, if not necessarily unfit, as in the case under review, should prevail. Custody should be awarded to third parties in preference to the natural parent only if in fact special and extraordinary reasons exist which leave no doubt that

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the best interests of the child dictates such a ruling.

Id. at 892.

There is no question that under these circumstances, the best interests of the child do, in fact, dictate such a ruling. Father became a part of the child's life even before she was born. He undertook the role of father knowing full well that he was not her biological father. He stepped into the void created when the biological father abandoned her prior to her birth. Mother not only acquiesced in this relationship, but also encouraged it. At the time of the filing of the original pleadings herein, she even acknowledged his rights and went so far as to ask him for child support. She acknowledged repeatedly that Father was, in fact, the minor child's legal father. [L.F. pp. 31-32, 35]. It was only during the course of the litigation that Mother sought to re-involve the biological father in the minor child's life and to exclude Father. This, despite the undeniable fact that the minor child is bonded to Father and that he has been her primary parent. [Tr. pp. 32, 42]. Mother voluntarily cultivated her daughter's relationship with Father. She should not now be allowed to extinguish it. *Conover v. Conover*, 146 A. 3d 433, 447 (Md. App. 2016). *See also A.A. v. B.B.*, 384 P. 3d 878, 891 (Hawai'i, 2016), which made a similar observation in the context of the Due Process Clause of the Fourteenth Amendment.

Mother repeatedly challenges the trial court's factual determinations underlying its custody award. She either argues that the facts do not support the overall Judgment, or that the evidence does not bolster the facts relied upon by the trial court. However, in a

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dissolution case, as in other bench-tried cases, the trial court is the arbiter of the facts and may believe or disbelieve any of the testimony in full or in part. In particular, disputes concerning the custody of children must be resolved on their peculiar facts, rather than in terms of academic rules. *In Re Marriage of Reid*, 742 S.W.2d 248, 250 (Mo. App. 1987). The trial court was in a better position to assess the credibility of the witnesses – the trial court was present to hear their testimony and observe the witnesses firsthand. The trial court is free to believe all, part, or none of the testimony of the witnesses. *C.M.*, *supra* at 660. Hence, Mother's argument, that the facts did not provide a basis for the trial court's custody order, is not persuasive.

This Court has, in the past, looked to the State of Washington for guidance in Family Law matters. *See*, *A.E.B. v. T.B.*, 354 S.W.3d 167 (Mo. banc 2011) relying on *In Re Marriage of Littlefield*, 940 P.2d 1362 (Wash. 1997). Keeping that in mind, the conclusion of the Washington Supreme Court in *In Re Parentage of L.B.*, 122 P.3d 161 (Wash. 2005) is helpful in this situation. Admittedly, as the *Reid* decision pointed out, we have peculiar facts. Nevertheless, the best interests of the minor child mandate the result reached by the trial court:

> Our state's current statutory scheme reflects the unsurprising fact that statutes often fail to contemplate all potential scenarios which may arise in the ever changing and evolving notion of familial relations. Yet, simply because a statute fails to speak to a specific situation should not, and does not in our common law system,

> operate to preclude the availability of potential redress. This is especially true when the rights and interests of those least able to speak for themselves are concerned. We cannot read the legislature's pronouncements on this subject to preclude any potential redress to Carvin or L.B. In fact, to do so would be antagonistic to the clear legislative intent that permeates this field of law – to effectuate the best interests of the child in the face of differing notions of family and to provide certain and needed economical and psychological support and nurturing to the children of our state. While the legislature may eventually choose to enact differing standards than those recognized here today, and to do so would be within its province, until that time, it is the duty of this court to "endeavor to administer justice according to the promptings of reason and common sense." *Bernot*, 81 Wash. at 544, 143 P. 104.

Id. at 76.

The trial court's Judgment should be affirmed.

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II.

THE TRIAL COURT PROPERLY ADDRESSED FATHER'S REQUEST FOR A CUSTODY AWARD IN THE DISSOLUTION PROCEEDING BECAUSE IT DID NOT MISAPPLY THE LAW IN THAT *IN RE T.Q.L.* 386 S.W.3D 135 (MO. BANC 2012) ALLOWS THE TRIAL COURT TO PROCEED IN THE BEST INTERESTS OF THE CHILD, THAT TO APPLY THE INTERPRETATION OF SECTION 452.375 R.S.MO. ELUCIDATED IN *IN RE MARRIAGE OF SAID*, 26 S.W.3D 839 (MO. APP. 2000) WOULD, ESPECIALLY IN VIEW OF *T.Q.L.*, BE ABSURD; MOREOVER, INSOFAR AS THE CASE HAS ALREADY BEEN TRIED, UNLIKE *SAID*, WHERE THE TRIAL COURT HAD MERELY RESERVED THE CUSTODY ISSUE FOR ANOTHER PENDING ACTION, REVERSAL WOULD BE A POINTLESS ACT.

The gist of Mother's second Point is that Section 452.375 R.S.Mo. requires that any third party seeking custody, *i.e.*, not a biological parent, must be **added** as a party to the action. Since Father was already a party, it was not possible to add him to the dissolution proceeding. Mother's argument relies on *In Re Marriage of Said*, 26 S.W.3d 839 (Mo. App. 2000). However, whatever the merits of the reasoning of the Southern District in *Said* may have been, it predated *In Re T.Q.L.*, 386 S.W.3d 135 (Mo. banc 2012) by more than a dozen years. Its utilization under the present circumstances should charitably be characterized as too clever by half. The trial court's Judgment should be affirmed.

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The trial court's judgment will be affirmed unless there is no substantial evidence to support it, it is against the weight of the evidence, it erroneously declares the law, or it erroneously applies the law. Statutory interpretation is an issue of law that this Court reviews *de novo*. *Crockett v. Polen*, 225 S.W.3d 419, 420 (Mo. banc 2007).

Factually, *Said* bears some resemblance to the instant case, but it is far from identical. In *Said*, there was a pre-existing Judgment from the Commonwealth of Virginia identifying another individual as the father of the child in question. He was served by registered mail and proceedings between him and the mother were segregated in another action. The trial court kept open the question as to the husband's custody rights of the non-biological child in the other proceeding.

The Southern District concluded on the husband's dissolution appeal that since he was already a party to the dissolution, he, despite his claim to the contrary, could not be made a "third person" within the meaning of Section 452.375.5 R.S.Mo.

As noted above, more than a dozen years later, this Court decided *T.Q.L.* *T.Q.L.* allowed mother's former paramour, not her husband, to seek custody rights even though he had been excluded as the father by DNA testing. The court, keeping in mind "the best interests of the child," *Id.* at 140, let the action proceed.

The Southern District's reasoning in *Said* required an amazing feat of linguistic gymnastics to affirm the trial court's action in that case. Here, in the wake of *T.Q.L.*, to reverse Judge Hogan's Judgment based upon *Said's* interpretation of Section 452.375 would have this Court engaging in similar exploits. As acknowledged by the Eastern

District in *State v. Kinder*, 122 S.W.3d 624, 631 (Mo. App. 2003), a logical result, as opposed to an absurd and unreasonable one, is presumed. Given the existence of *T.Q.L.*, Mother's interpretation of Section 452.375 based upon *Said* is absurd. Moreover, the effect of her argument would be "a pointless act." *Mickey v. BNSF Railway Company*, 437 S.W.3d 207, 216 (Mo. banc. 2014). Evidence has already been taken by the trial court. All of the parties were before it. A reversal would merely result in an entry of the same custody judgment but with a different cause number. It is hard to imagine a more wasteful utilization of judicial resources.

The trial court's judgment should be affirmed.

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CONCLUSION

For all of the foregoing reasons, Petitioner-Respondent, JASON BOWERS, respectfully requests that this Court affirm the trial court's Judgment in all respects.

Respectfully submitted,

GILLESPIE, HETLAGE & COUGHLIN, L.L.C.

By:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Substitute Brief of Petitioner-Respondent, Jason Bowers** was filed via the Court's Missouri eFiling System and mailed, by United States mail, first class, postage prepaid, to the following counsel of record this 7th day of September, 2017:

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Further, the undersigned states that said Brief contains Four Thousand Seven Hundred and Eleven (4,711) words.

LAWRENCE G. GILLESPIE

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STATE OF MISSOURI)
) **SS.**
COUNTY OF SAINT LOUIS)

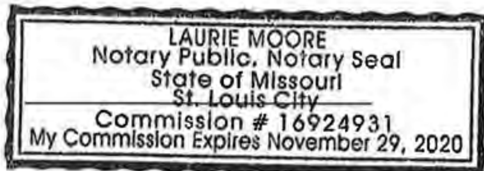
Comes now, LAWRENCE G. GILLESPIE, and being duly sworn upon his oath, deposes and states that the facts stated in the foregoing are true and correct to the best of his knowledge, information and belief.

LAWRENCE G. GILLESPIE

Subscribed and sworn to before me, a Notary Public, this the 7th day of September, 2017.

Laurie Moore
Notary Public

My Commission Expires:



LAURIE MOORE
Notary Public, Notary Seal
State of Missouri
St. Louis City
Commission # 16924931
My Commission Expires November 29, 2020