OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JAMES K. DAVIS,	)	No. ED107835
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	Honorable Bruce Hilton
JOAN C. DAVID,	)	
	)	
Respondent.	)	FILED: May 26, 2020

James K. Davis ("Appellant") appeals from the judgment of the Circuit Court of the 21st Circuit denying his motion to modify his maintenance payments ("Motion to Modify") to Joan C. Davis. ("Respondent"), and ordering him to pay a portion of Respondent's attorney's fees.

REVERSED AND REMANDED

Division One Holds: The trial court erred in denying Appellant's Motion to Modify because such decision was not supported by the evidence and was against the weight of the evidence, in that (1) the evidence showed Respondent's monthly expenses were substantially less than the $3,114 found by the trial court; and (2) the trial court failed to account for Respondent's cohabitation with Son and Friend, and it failed to consider the extent to which both cohabitants should share in the payment of Respondent's reasonable expenses. Additionally, the trial court's order requiring Appellant pay $10,000 of Respondent's attorney's fees was an abuse of discretion because the court failed to consider the merits of the action, and erroneously concluded Appellant had greater financial resources than Respondent.

Opinion by: Roy L. Richter, Judge

Robert M. Clayton III, Presiding Judge, and Robert G. Dowd, Jr., Judge, concur

Attorneys for Appellant: Alan E. Freed, Amy Hoch Hogenson

Attorneys for Respondent: Jo Ann Karll

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.