MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARILYN CARMACK

RESPONDENT,

v.

TRAVIS CARMACK AND
TEMPLE I. BAXLEY

APPELLANTS.

DOCKET NUMBER WD83184

DATE: June 23, 2020

Appeal From:

Chariton County Circuit Court
The Honorable Terry A. Tschannen, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and Thomas N. Chapman, Judge

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Attorneys:

Dana J. Macoubrie, Chillicothe, MO, for respondent.

Joshua J. Meyer, Kirksville, MO, for appellants.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARILYN CARMACK, RESPONDENT,
v.
TRAVIS CARMACK AND TEMPLE I. BAXLEY, APPELLANTS.

WD83184 Chariton County

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, and Thomas N. Chapman, Judge

Travis Carmack and Temple Baxley (Siblings) appeal the trial court's judgment in favor of Marilyn Carmack finding that Terry Carmack designated Siblings as the primary beneficiary of Husband's Individual Retirement Account in fraud of Wife's marital rights under section 474.150.1, RSMo. Siblings argue the trial court erred because (1) the trial court's Judgment was not supported by substantial evidence, and (2) section 474.150.1 does not apply to IRAs.

AFFIRMED.

Division One holds:

(1) The trial court did not err in applying section 474.150.1 to Husband's IRA account.

(2) The trial court did not err in entering Judgment in favor of Wife because substantial evidence supported a finding of fraud of Wife's marital rights.

Opinion by: Cynthia L. Martin, Judge June 23, 2020

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