MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN RE THE MATTER OF:
ANNALIESE BRIGHTWELL TRUST

RAYMOND L. BRIGHTWELL

APPELLANT,

v.

BEATE BOESL

RESPONDENT.

DOCKET NUMBER WD83296

DATE: July 21, 2020

Appeal From:

Platte County Circuit Court
The Honorable James Van Amburg, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Alok Ahuja, Judge and W. Douglas Thomson, Judge

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Attorneys:

Thomas E. Hankins, Gladstone, MO for appellant.

Gary K. Patton, Liberty, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN RE THE MATTER OF: ANNALIESE BRIGHTWELL TRUST

RAYMOND L. BRIGHTWELL, APPELLANT,
v.
BEATE BOESL, RESPONDENT.

WD83296 Platte County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Alok Ahuja, Judge, and W. Douglas Thomson, Judge

Raymond Brightwell appeals the trial court's entry of summary judgment in favor of Beate Boesl dismissing Brightwell's registration of the Annaliese A. Brightwell Trust Agreement. The trial court erroneously determined the validity of trust instruments to dismiss Brightwell's trust registration in the absence of a duly initiated judicial proceeding that afforded notice to all interested persons.

REVERSED.

Division Four holds:

1. Sections 456.027 through 456.033, RSMo, address the registration of trusts, and describe in plain language an uncontested, administrative process, and provide that trust registration shall be accomplished upon the filing of a trust registration statement. The trust registration statutes afford no discretion to a court clerk but to accept a trust registration statement submitted for filing.

2. Boesl was not a party to Brightwell's registration of trust statement, and there were no claims, counterclaims, cross-claims, or requests for declaratory judgment asserted in the registration of trust statement. Instead, the registration of trust statement did nothing more than administratively register a trust instrument, leaving no "pending issues" to be determined. The registration of trust statement was not susceptible to challenge by a Rule 74.04 motion for summary judgment.

3. Sections 456.027 through 456.033 do not contemplate the resolution of issues involving trust validity or the release of trust registration statements in connection with the trust registration process. Instead, trust validity and the release of trust registration statements are trust administration issues which must be raised in a duly initiated judicial proceeding where all interested parties are provided notice, pursuant to section 456.2-202.3 and section 472.300, RSMo.

Opinion by: Cynthia L. Martin, Judge July 21, 2020

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