OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

KHOI M. LE,	)	No. ED108963
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	
	)	Honorable Katherine M. Fowler
BRENDA M. LE, N/K/A PATTERSON,	)	
	)	
Respondent.	)	Filed: December 14, 2021

Khoi Le ("Father") appeals the trial court's denial of his motions for (1) termination of child support, (2) reimbursement for overpaid child support, (3) the trial court's grant of Brenda Patterson's ("Mother") motion to hold Father in contempt for failure to pay outstanding support obligations, and (4) the trial court's grant of attorney's fees to Mother. Father raises four points on appeal. In Point I, Father argues the trial court erred by finding he had to pay his son's college and housing expenses under Mo. Rev. Stat. § 452.340.5. In Point II, Father argues the trial court erred by finding he owed $14,363.18 in post-secondary education costs and holding him in contempt for failure to pay. In Point III, Father argues the trial court abused its discretion by overruling his objection to the admission of L.K.'s medical records. In Point IV, Father argues the trial court erred by ordering him to pay $26,871.06 of Mother's attorney's fees.

AFFIRMED.

DIVISION III HOLDS:

Point I is denied. "Weight of the evidence" arguments require appellants to complete four steps: (1) identify a challenged factual proposition necessary to sustain the judgment; (2) identify all favorable evidence in the record supporting the proposition; (3) identify evidence in the record contrary to the proposition, resolving all conflicts in testimony according to the trial court's credibility determinations; and (4) demonstrate why the favorable evidence and reasonable inferences drawn from the evidence is so lacking in probative value, considered in the context of the totality of the evidence, that it fails to induce belief in the proposition. *Lazarus v. Jacob*, 597 S.W.3d 389, 395 (Mo. App. S.D. 2020). "Adherence to this analytical formula is mandatory not just because this Court says so, but because it reflects the underlying criteria necessary for a successful challenge – the absence of any such criteria, even without a court-formulated sequence, dooms an appellant's challenge." *Interest of R.J.M*, 571 S.W.3d 219, 224 (Mo. App. S.D. 2019). Father's failure to follow the formula is fatal to his claim.

Point II is denied. Missouri courts have held support judgments unenforceable when they impose costs on a parent without limitations of scope or expense. *Pratt v. Ferber*, 335 S.W.3d 90, 95 (Mo. App. E.D. 2011); *Echele v. Echele*, 782 S.W.2d 430 (Mo. App. E.D. 1989)

(abrogated on other grounds); *Fulton v. Adams*, 924 S.W.2d 548, 552 (Mo. App. W.D. 1996). Father's support obligation was limited in cost and time by the in-state tuition and room and board rates of the University of Missouri for five years. Father ignored court orders, obstructed resolution of the case, and did not offer an acceptable justification for his repeated failure to comply with his support obligation. Nothing in the record suggests the trial court abused its discretion finding Father in contempt.

Point III is denied. "Exhibits that are marked, identified, testified to regarding their contents, and used in evidence are in evidence as if they had been formally introduced." *Harris v. Divine*, 272 S.W.3d 478, 483 (Mo. App. S.D. 2008). Trial courts have broad discretion to determine whether parties complied with the Business Records Act and whether records are admissible under it. *Alberswerth v. Alberswerth*, 184 S.W.3d 81, 101-02 (Mo. App. 2006). "When the trial court has made no specific findings on a factual issue, such findings are interpreted as having been found in accordance with the trial court's judgment." *Sulkin v. Sulkin*, 619 S.W.3d 155, 160 (Mo. App. E.D. 2021). Because the records were admitted, we presume the trial court believed Mother and disbelieved Father and defer to the trial court's credibility determinations.

Point IV is denied. The trial court has inherent authority and statutory authority to award attorney's fees under Mo. Rev. Stat. § 452.355. Section 452.355.1 provides the court may consider the financial resources of both parties, the merits of the case, and the actions of the parties during the pendency of the action. In most cases, "the trial court is better equipped to hear evidence and argument on [attorney's fees] and determine the reasonableness of the fee requested.'" *Berry v. Volkswagen Grp. Of Am., Inc.*, 397 S.W.3d 425, 433 (Mo. banc 2013) (quoting *Rosehill Gardens, Inc. v. Luttrell*, 67 S.W.3d 641, 648 (Mo. App. W.D. 2002)). We decline to disturb the trial court's fee award because it is not "so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration." *City of Byrnes Mill v. Limesand*, 599 S.W.3d 466, 477 (Mo. App. E.D. 2020).

Opinion by: Philip M. Hess, Presiding Judge
Angela T. Quigless, Judge and Colleen Dolan, Judge concur.

Attorney for Appellant: Eric M. Tuncil and Mary Ann Weems

Attorney for Respondent: Brittany D. Kozal

Guardian Ad Litem: Robert N. Hamilton

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.