MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

WANDA L. ALBERTS, ET AL.,

Appellants

v.

TURNBULL CONWAY, P.C. (F/K/A TURNBULL & STARK, P.C.)
AND STEPHEN CHRISTOPHER CONWAY,

Respondents

DOCKET NUMBER WD84235

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: January 4, 2022

Appeal From:

Circuit Court of Cole County, MO
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Special Division
Thomas N. Chapman, P.J., Edward R. Ardini, Jr., J., and Terry A. Tschannen, Sp. J.

Attorneys:

Mark T. Kempton, Sedalia, MO	Counsel for Appellants
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Attorneys:

Hamp Ford, Columbia, MO	Counsel for Respondent
Jill R. Jackson, Columbia, MO	Co-Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WANDA L. ALBERTS, ET AL., Appellants,
v.
TURNBULL CONWAY, P.C. (F/K/A TURNBULL & STARK, P.C.) AND STEPHEN CHRISTOPHER CONWAY, Respondents.

WD84235 **Cole County**

Before Special Division Judges: Chapman, P.J., Ardini, J., and Tschannen, Sp. J.

Wanda Alberts, Richard Alberts, Delores Shirley, Brent Shirley, Richard Griggs, Ronda Griggs, Robin Stone, Roxanne Wilson, and Leslie O'Rourke (collectively "Plaintiffs") appeal the Cole County Circuit Court's dismissal of their legal malpractice claim against Turnbull Conway, P.C. and Stephen Conway (collectively "Defendants") for failure to state a claim upon which relief can be granted. In their petition, Plaintiffs alleged that Defendants negligently failed to timely draft and secure execution of amendments to Howard L. Walz's ("Walz") existing trust to provide specific distributions to Plaintiffs prior to Walz's death. In their sole point on appeal, Plaintiffs contend that the trial court erred in dismissing their petition because the facts in their petition sufficiently stated causes of action for legal malpractice.

AFFIRMED.

Special Division holds:

Where, absent an executed testamentary document, Plaintiffs were, at most, prospective beneficiaries, Defendants did not owe a duty of care to Plaintiffs regarding the proposed amendments to Walz's trust. As a matter of law, Plaintiffs failed to allege facts that would establish that Defendants owed them a duty of care, an essential element for their legal malpractice claim. The trial court, therefore, did not err in granting Defendants' motion to dismiss.

Opinion by Thomas N. Chapman, Presiding Judge Date: January 4, 2022

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.