**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

MICHAEL CLARK, PERSONAL REPRESENTATIVE FOR THE ESTATE OF DORA M. WALL, DECEASED,

Appellant,

v.

PATSY G. SMITH, PERSONAL REPRESENTATIVE FOR THE ESTATE OF CHARLES D. SMITH, DECEASED,

Respondent.

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DOCKET NUMBER WD84408

DATE: May 3, 2022

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Appeal From:

Circuit Court of Jackson County, MO
The Honorable Mark A. Styles, Jr., Judge

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Appellate Judges:

Division Three
Gary D. Witt, Presiding Judge, Anthony Rex Gabbert, Judge, W. Douglas Thomson, Judge

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Attorneys:

Shane Britton Lillich, Bonner Springs, KS,
Counsel for Appellant

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Attorneys:

Robert H. Schnieders, Oak Grove, MO,
Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

**MICHAEL CLARK, PERSONAL REPRESENTATIVE FOR THE ESTATE OF DORA M. WALL, DECEASED, Appellant,**
**v.**
**PATSY G. SMITH, PERSONAL REPRESENTATIVE FOR THE ESTATE OF CHARLES D. SMITH, DECEASED, Respondent.**

**WD84408** **Jackson County**

Before Division Three Judges: Gary D. Witt, Presiding Judge, Anthony Rex Gabbert, and Judge, W. Douglas Thomson, Judge

Michael Clark ("Clark"), personal representative for the estate of Dora Clark-Wall ("Wall"), appeals the circuit court's Judgment which found that Wall failed to establish by competent evidence that she is entitled to receive payment from the estate of Charles D. Smith ("the Estate") for any personal loans. Clark contends on appeal that the circuit court, 1) erred by rendering its Judgment on July 8, 2020, without affording Wall an opportunity to present evidence in support of her claim in violation of Wall's right to due process under the Fourteenth Amendment to the United States Constitution, and 2) erred by rendering its judgment on July 8, 2020, without providing Wall an opportunity to present evidence in support of her claim in violation of Wall's right to an open court under the Missouri Bill of Rights, Art. I, Sec. 14.

**AFFIRMED.**

**Division Three Holds:**

1. The circuit court did not err in issuing its Judgment without Wall presenting additional evidence regarding her claim. The unambiguous 2010 insurance policy renewal that Wall filed with the court and contended was the basis of her claim against the Estate does not represent a contract wherein the decedent agreed to repay a $16,204.00 loan allegedly given to him by Wall in 1993.

2. Clark failed to preserve his claim that the circuit court's actions violated Wall's right to an open court under the Missouri Bill of Rights, Art. 1, Sec. 14.

**Opinion by: Anthony Rex Gabbert, Judge** Date: May 3, 2022

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED