OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STEVEN R. FINLEY, et al.,	)	No. ED111296
	)	
Respondents,	)	Appeal from the Circuit Court
	)	of St. Louis County
	)	
v.	)	Cause Nos. 18SL-PR01711,
	)	18SL-CC03183
	)	and 18SL-CC03183-01
	)	
KAREN I. FINLEY, et al.,	)	Honorable Ellen Sue Levy
	)	
Appellants.	)	Filed: January 30, 2024

This case involves an appeal from the trial court's enforcement of a settlement agreement between the parties, who are brother and sister, concerning administration of their mother's trust. The trial court found one paragraph of the agreement ambiguous because it required a cash distribution to Respondent Steven R. Finley (Steven[1]) equal to one half of the value of their mother's residence in consideration for that house being distributed to Appellant Karen I. Finley (Karen), but did not explicitly state whether such distribution was to be made from the trust or from Karen personally. The trial court concluded the parties intended to equally distribute the trust assets and thus the payment should have come from Karen personally. Karen argues the trial court erred in finding an ambiguity in the term of art "cash distribution," utilizing parol evidence and equitable principles to require an equalizing payment to come from Karen personally, and ordering Karen to pay attorney's fees.

REVERSED AND REMANDED.

Division Three Holds: It is clear from the document as a whole that the settlement agreement unambiguously required the cash distribution to Steven to be made from the Trust. Thus, Karen as Trustee complied with the terms of the agreement when she made such distribution, and no equalization payment was required. Additionally, while the trial court had discretion pursuant to Section 456.10-1004 to award attorney's fees not assigned by the settlement agreement, in light of our conclusion that the settlement agreement is unambiguous, the trial court's order of attorney's fees expended in defending Karen's performance as Trustee of her obligations pursuant to the settlement agreement in this respect is misplaced.

Opinion by: Gary M. Gaertner, Jr., J.,
Lisa P. Page, P. J., and Angela T. Quigless, J., concur.

[1] Because the parties share a last name, we use their first names in this opinion for the sake of clarity. We intend no disrespect in doing so.

Attorney for Appellant: Ron Ribaudo
Attorneys for Respondents: Mark G. McLean, Peter A. Corsale, Laura H. Stobie

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.