OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

EVITA TOLU,	)	No. ED112115
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	Cause No. 16SL-DR04088-02
	)	
ROBERT J. STIENTJES,	)	Honorable Patrick S. Flynn
	)	
Respondent.	)	FILED: October 15, 2024

Evita Tolu (Mother) appeals from the trial court's judgment modifying child support. Mother raises thirteen points on appeal. In Point One, Mother argues the trial court misapplied the law by finding she waived her challenge to personal jurisdiction through a general appearance by filing a disqualification motion subsequent to her motion to dismiss because her jurisdictional challenge was properly preserved. Mother reasons the trial court thus erred in assessing retroactive child support to the date of alleged waiver. In Point Two, Mother maintains the trial court erred in finding it had personal jurisdiction over her because it reissued summons beyond Rule 54.21's deadline to extend service after Robert J. Stientjes (Father) improperly served her by publication, which further was not cured by subsequent personal service. In Points Six and Seven, Mother argues that the trial court erred in failing to find that child support abated under § 452.340.5 because the children failed to send timely documentation of college enrollment. In Point Four, Mother alleges the trial court misapplied Rule 73.01(c) by failing to issue findings of fact and conclusions of law on all requested issues listed in her pre-trial request for findings. In Points Three, Five, Nine, and Twelve, Mother alleges various claims relating to transfer of the children's educational accounts, allegedly redundant educational expenses, financial discovery, and healthcare expenses. In Points Eight, Ten, Eleven, and Thirteen, Mother challenges the trial court's parental income calculations. Specifically, in Points Eight, Ten, and Eleven, Mother argues the trial court erred in calculating her income by using impermissible evidence. In Point Eight, Mother claims the trial court erred in using a stale loan application to determine her income. Next, in Point Ten, Mother alleges the trial court erred in using wage surveys not introduced at trial to impute income to her. Then, in Point Elven, Mother alleges the trial court erred in allowing Father's attorney to argue for "reverse engineering" of Mother's income through her expenses. Finally, in Point Thirteen, Mother complains of trial court error in determining Father's income by failing to account for Father's business rent deductions and self-employment or health savings funds contributions.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

DIVISION FIVE HOLDS: Because Mother entered a limited appearance to move to dismiss for lack of personal jurisdiction and received an adverse ruling prior to filing her disqualification motion, the trial court erred in finding that the disqualification motion waived Mother's personal-jurisdiction claim. Point One is granted in part. Because Mother stipulated to the date of personal service, which complied with the prompt-service requirement pursuant to Rule 54.21, the trial

court did not lack personal jurisdiction, and we deny Point Two. Therefore, child support arrears may be assessed retroactive to the date of personal service pursuant to § 452.370.6. Because § 452.340.5's language concerning abatement is permissive rather than mandatory and gives the trial court discretion to decide the appropriate outcome based on the circumstances, the trial court did not misapply the law in awarding retroactive and future child support, and we deny Points Six and Seven. Because Mother's purported request for findings failed to put the trial court on notice as to the specific contested issues, we deny Point Four. We deny Points Three, Five, Nine, and Twelve on waiver grounds due to Mother stipulating to and abandoning the points at trial. Because Mother did not demonstrate the old loan application was used other than for impeachment purposes or that it prejudiced her income determination, we deny Point Eight. Because the trial court was authorized pursuant to Form 14 Comment H to take judicial notice of the wage surveys for the imputation of parental income, we deny Point Ten. Because Mother failed to preserve her challenge to the "reverse engineering" argument at trial by failing to object and further did not demonstrate that the trial court gave said argument any weight, we deny Point Eleven. Lastly, because Mother failed to show how Father's business rent deductions or contributions to his self-employment fund or health savings account constituted income, and she further failed to preserve such claims at trial, we deny Point Thirteen. Accordingly, we affirm the trial court's judgment in part and reverse in part. We remand for the trial court to modify its award of retroactive child support to the date of personal service. The judgment is affirmed in all other respects.

Opinion by: Rebeca M. Navarro-McKelvey, J.
Thomas C. Clark II, C.J., and Charles H. McKenzie, Sp.J., concur.

Attorney for Appellant: Appellant acting pro se

Attorneys for Respondent: William J. Halaz, III, Kristen K. Zurek, & Dylan R. Briggs

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.