

**Missouri Court of Appeals, Western District
Division 3**

**Mark D. Pfeiffer, Presiding Judge
Edward R. Ardini, Jr., Judge,
Thomas N. Chapman, Judge**

**November 5, 2025
University of Missouri Law School
Columbia, Missouri**

WD87741

**Distler Brothers Farm PTR, Betty Distler, Doug Distler, and Philip Distler,
Respondents,**

v.

Donald and Jill Distler, Appellants.

Appellants Donald and Jill Distler appeal from the judgment of the Cole County Circuit Court concerning the dissolution of a farming partnership. Appellants and Respondents Betty Distler, Doug Distler, and Phillip Distler formed Distler Brothers Farm PTR (“DBF”) in 1991. The parties were divided into three groups of equal partners: Donald and Jill, Doug and Betty through their trust, and Phillip. The partnership bought real estate and cattle to run a cattle farm. The partners were to contribute \$300 a month to the partnership to cover expenses of the farm. Appellants Donald and Jill were responsible for the partnership’s bookkeeping from 1991 until 2013. In 2013, the parties began to disagree as to the partnership’s funds. In 2018, the Respondents filed a petition seeking a formal accounting of the partnership, as well as bringing claims against the Appellants for what Respondents believed to be misuse of partnership funds. As alleged at trial, Appellants asserted that the monthly contributions from the partners were insufficient to cover expenses and that the Appellants paid the deficit out of personal funds and, at times, took out personal loans to cover those costs. Respondents asserted that the Appellants improperly used partnership funds to pay for Appellants’ personal spending. Respondents also alleged that Appellants’ personal loans were refinanced into the partnership note to cover personal expenses without approval of the Respondents. The circuit court held a bench trial. Following the bench trial, the circuit court entered judgment dissolving the partnership, allocating trust assets, and ordering Appellants to pay the Respondents certain amounts for personal debts and negative equity. This appeal followed.

Appellants’ points on appeal:

1. The trial court erred in failing to apply interest to monies contributed by Appellants above the contributions of the other partners, in that said was an erroneous application of the law because section 358.180, RSMo, requires interest to be paid to a partner contributing more than the agreed amount of capital contribution.
2. The trial court erred in failing to apply interest to monies contributed by Appellants above the contributions of the other partners, in that said was not supported by the evidence in that the evidence regarding payments by Appellants above the agreed upon amount of individual partner contributions and Appellants personal payments of debts and liabilities of the partnership was undisputed.
3. The trial court erred in failing to attribute and account for the debt liability equally to each partner as said is a misapplication of the law in that section 358.150 and section 358.180(1), RSMo, requires all partners to be liable jointly and severally for everything chargeable to the partnership and that each partner must contribute toward the losses, which was not done by the trial court.
4. The trial court erred in the calculation of Appellants' equity account as said is against the weight of the evidence in that the trial court's calculations of the Appellants' equity account is based on misstated amounts, and assumptions that had already been accounted for or determined to be insufficient by Troy.
5. The trial court erred in its calculation of Appellants' equity account wherein it adjusted Appellants' equity account by \$33,718.09 in that said is an erroneous application of the law because said adjustment of reallocation was to give credit to Respondents for their labor toward the partnership during a period of time when Appellants were not contributing labor to DBF which is contrary to section 358.180, RSMo, in that the statute prohibits a partner from receiving remuneration for acting in the partnership business and requires that all partners share equally in the profits remaining after liabilities are paid.
6. The trial court erred in its award of attorney fees in that said was an abuse of discretion because by ordering each party to be responsible for their own attorney fees the Court ignored the uncontroverted evidence that the Respondents had paid for their attorney fees with partnership funds, whereas the Appellants' attorney fees were paid by Appellants personally, thus by the trial court's ruling, the Appellants are paying for a portion of Respondent's fees.
7. The trial court erred by not attributing any cattle to the partnership in that said was against the weight of the evidence because Appellants were the only partner to

have a personal herd when DBF began and DBF continued to incur expenses for taking care of cattle after the date when Respondents claim no DBF cattle remained.

WD87821

In the Matter of Edward L. Eisenstein, Deceased; Margaret DeLacy, Respondent, v.

World Wildlife Fund, Missouri Botanical Garden, Cousteau Society, The Nature Conservancy, and EcoHealth Alliance, Inc., Successor-In Interest to Wildlife Preservation Trust International, Appellants.

Appellants World Wildlife Fund, Missouri Botanical Garden, Cousteau Society, The Nature Conservancy and EcoHealth Alliance, Inc. all appeal the judgment of the Circuit Court of Howard County denying Appellants' motion to vacate the circuit court's order granting Respondent Margaret Delacy's Petition for Letters of Administration. As alleged by the parties, Delacy's brother, Edward L. Eisenstein, died on January 20, 2023. DeLacy filed a Petition for Letters of Administration stating that her brother had died intestate without a will. On July 31, 2023, counsel for Delacy notified Appellants that they were beneficiaries of the Edward L. Eisenstein Revocable Trust Dated October 10, 1983. However, counsel noted that there was not a document in existence that transferred funds into the trust, thus the gift was ineffective. But, on October 26, 2023, counsel notified Appellants that Mr. Eisenstein's will had been located and that the will transferred funds into the trust. DeLacy filed the will with the court on October 25, 2023. However, the circuit court found that it was filed after the deadline to present it had expired. As such, despite the terms of the will only awarding DeLacy a gold watch, she was now the recipient of the funds otherwise allocated for the Appellants. This appeal followed.

Appellants World Wildlife Fund, Missouri Botanical Garden, Cousteau Society, and The Nature Conservancy's points on appeal:

1. The probate court erred by holding that Missouri Revised Statute section 473.050, as a matter of law, is a jurisdictional bar to the presentation of decedent's will, because Dr. DeLacy failed to comply with her ongoing duty to supplement her application for Letters of Administration, in that her failure to do so rendered any prior publication notice defective for purposes of section 473.050, RSMo, and thus made the presentation of decedent's will timely.
2. The probate court abused its discretion by failing to hold that good cause existed to remove Dr. DeLacy as Personal Representative of the estate, because the record shows that Dr. DeLacy had a conflict of interest and her role as Personal Representative contradicted decedent's express wishes, in that these facts did

constitute good cause to remove Dr. DeLacy as Personal Representative of the estate.

Appellant EcoHealth Alliance, Inc.’s points on appeal:

1. The probate court erred in holding that the admission of decedent’s will to probate was barred pursuant to the six-month limitations period within section 473.050.3(1), RSMo, because Dr. DeLacy did not comply with section 473.017, RSMo, in that she failed to supplement her Petition for Letters, and, therefore, any prior published notice of letters was defective and the presentation of decedent’s will was timely pursuant to the one-year limitations period within section 473.050.3(2), RSMo.
2. The probate court erred in failing to vacate its February 24, 2023 Order appointing Dr. DeLacy as Personal Representative of decedent’s estate because good cause existed pursuant to section 472.150, RSMo, to vacate the Order in that decedent’s wishes as expressed in his will should be honored, decedent’s will was presented before the one-year limitations period within section 473.050.3(2), and Dr. DeLacy had an ongoing conflict of interest.

WD87860

Timothy Allegri, et al., Complainants, and Missouri Office of the Public Counsel, Appellant,

v.

Evergy Missouri West, Inc. d/b/a Evergy Missouri West and Public Service Commission of the State of Missouri, Respondents.

Appellant Missouri Office of the Public Counsel (“OPC”) appeals the order of the Respondent Missouri Public Service Commission (“PSC”) dismissing certain landowner complaints against Respondent Evergy Missouri West, Inc. The complaints questioned Evergy’s authority to secure easements for relocating a transmission line along State Highway 13 in Johnson and Lafayette Counties. The complaints also alleged that Evergy attempted to mislead them by falsely asserting that MoDOT was widening the highway and requiring the transmission line to be relocated onto the complainants’ properties and by falsely asserting that Evergy had an easement to obtain soil samples. Evergy moved to dismiss the complaints following the withdraw of Evergy’s circuit court condemnation petitions against the parties whom Evergy had not yet secured easements. The PSC granted the motion. This appeal followed.

Appellant’s points on appeal:

1. The PSC erred in its order dismissing complaints, because the order is unlawful and subject to review under section 386.510, RSMo, in that the PSC misapplied the standard for dismissing cases for lack of controversy.
2. The PSC erred in its order dismissing complaints, because the order is unreasonable and subject to review under section 386.510, RSMo, in that the PSC failed to recognize the complainants' claims.
3. The PSC erred in its order dismissing complaints, because the order is unlawful and subject to review under section 386.510, RSMo, in that the PSC misapplied the lawful standard on advisory opinions.
4. The PSC erred in its order dismissing complaints, because the order is unlawful and subject to review under section 386.510, RSMo, in that the PSC misinterpreted the law by concluding that it is not proper to examine a public utility's unreasonable acts in a complaint.
5. The PSC erred in its order dismissing complaints, because the order is unlawful and unreasonable and subject to review under section 386.510, RSMo, in that it is unlawful and unreasonable to conclude that public utility acts which may amount to fraud should be left to the discretion of public utility management.