MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN RE THE MARRIAGE OF:	)	
KELLY ANN BENNETT,	)	
	)	**WD87984**
Respondent,	)	
v.	)	**OPINION FILED:**
	)	
TRAVIS WARREN BENNETT,	)	**March 10, 2026**
	)	
Appellant.	)	
	)	

Appeal from the Circuit Court of Jackson County, Missouri
The Honorable Jessica Agnelly, Judge

Before Division One: Cynthia L. Martin, Presiding Judge,
Thomas N. Chapman, Judge, and W. Douglas Thomson, Judge

Travis Bennett ("Father") appeals a judgment of the Circuit Court of Jackson County that dissolved his marriage to Kelly Bennett ("Mother"). Father argues that the trial court erred in calculating his monthly child support amount, in its division of stock units, and in its valuation of a pension account. For the reasons explained herein, we affirm in part, reverse in part, and amend the judgment pursuant to Rule 84.14.

Background[1]

Father and Mother were married in 2007. Two children were born of the marriage.

In 2022, Mother filed a petition for dissolution of the marriage. In 2023, Father filed an amended answer and a counter-petition for dissolution. In 2024, Mother filed an amended petition for dissolution.

In December of 2024, a trial was held on the parties' respective petitions for dissolution of the marriage. Mother and Father each provided testimony, and hundreds of pages of exhibits were admitted into evidence. Mother submitted a proposed parenting plan under which Mother would be granted sole legal custody and joint physical custody of the minor children. Father's proposed parenting plan requested joint legal custody and joint physical custody.

On February 21, 2025, the trial court entered its Judgment and Decree of Dissolution of Marriage. The trial court granted Mother sole legal custody and granted joint physical custody to Mother and Father with a detailed schedule of the parties' respective parenting times.

Regarding child support, the trial court adopted Mother's proposed Form 14 as properly calculating the presumed correct child support amount. The trial court did not

[1] This background section is written with the relevant issues raised in the points on appeal in mind rather than intending to serve as a comprehensive representation of all the issues at trial. Additional facts relevant to the issues raised on appeal are discussed in this court's analysis of the points raised on appeal.

find this amount to be unjust or inappropriate. The trial court ordered Father to pay the sum of $1,954.00 per month in child support.

In its equitable division of property, the trial court found that Father's employment compensation included compensation through various stock awards. These stock units were comprised of three different types of stocks: restricted stock units (RSUs), performance stock units (PSUs), and stocks from an employee stock purchase plan.

Regarding the RSUs, the trial court found that Father earned such stock units in a given year, yet shares were conferred periodically in the years following the grant pursuant to a schedule, provided that Father continued his employment. The trial court found that the RSUs were acquired during the marriage due to marital efforts such that these stocks were marital property and subject to division. The trial court indicated that its approach had been utilized in *Smith v. Smith*, 682 S.W.2d 834 (Mo. App. E.D. 1984), and that this approach had been affirmed in *Warner v. Warner*, 46 S.W.3d 591 (Mo. App. W.D. 2001), and *Beecher v. Beecher*, 417 S.W.3d 868 (Mo. App. S.D. 2014).

Regarding the PSUs, the trial court found that the PSUs were granted to Father essentially as bonus compensation. The trial court found that the PSUs were earned in a given year, yet shares were not conferred until a subsequent year, based on company performance criteria and Father's continued employment. The trial court noted that, of the years in issue, the performance goal had not been met in only one year (such that the

PSU shares were not conferred in that year).[2] The trial court found that the PSUs earned during the marriage were marital property subject to division.

Regarding the employee stock purchase program stocks, the trial court found that these stocks were marital property subject to division.

The trial court further found that, while the dissolution proceedings were ongoing, Father improperly liquidated 762 shares of the stocks. The trial court found that Father had done so to the detriment of Mother.

The trial court found that 2,047 shares of stock were marital property subject to division. In this 2,047 shares, the trial court included the liquidated and remaining shares of stock as well as the RSUs and PSUs scheduled to be available in 2025 and 2026. The trial court found that Mother was entitled to 1,023 shares, assigned a value to the shares, and awarded Mother a monetary judgment in the amount of $202,912.05, with execution of the monetary judgment to be stayed until January 1, 2026 provided that Father conveyed 1,023 shares of stock to Mother in accordance with the schedule set forth by the trial court. The trial court found this division of stock to be fair, just, and not unconscionable.

Regarding Mother's pension account, the trial court found that Mother was in possession of a pension account that was marital property and had a value of $25,924.50. The trial court factored this account into its division of marital property.

[2] The judgment indicated that the trial court considered the one year where the performance goal was not met and accordingly adjusted the number of shares to be divided.

Following the trial court's judgment, Father filed a motion to amend or for a new trial in which he asserted, *inter alia*, that the trial court erred in calculating Father's overnights on Line 11 of its Form 14, in its division of stock units, and in its valuation of Mother's pension account. The trial court denied Father's motion.

Father now appeals to this court.

Standard of Review

In a dissolution case, appellate courts must sustain the trial court's judgment "unless there is no substantial evidence to support it, unless it is against the weight of the evidence, unless it erroneously declares the law, or unless it erroneously applies the law." *Landewee v. Landewee*, 515 S.W.3d 691, 694 (Mo. banc 2017) (quoting *Murphy v. Carron*, 536 S.W.2d 30, 32 (Mo. banc 1976)). Appellate courts view the evidence in the light most favorable to the judgment and disregard contrary evidence and inferences. *Id.* "The burden of demonstrating error is on the party challenging the divorce decree." *Id.* (quoting *Hernandez v. Hernandez*, 249 S.W.3d 885, 888 (Mo. App. W.D. 2008)).

Analysis

Father raises three points on appeal. In his first point, he argues that the trial court erred in calculating his child support obligation. In his second point, he argues that the trial court erred in its division of stock units. In his third point, he argues that the trial court erred in its valuation of a pension account. We address these points in turn.

Point One

In his first point on appeal, Father argues that the trial court erred in calculating his child support obligation. In particular, Father argues that the trial court failed to apply the proper Line 11 adjustment on the Form 14 child support worksheet based on the number of overnights awarded to Father in the parenting plan set forth in the trial court's judgment. We agree.

In a dissolution proceeding, child support awards are governed by section 452.340.[3] Section 452.340.8 instructs the Missouri Supreme Court to promulgate a rule establishing specific guidelines for the computation of a child support obligation. Rule 88.01 serves to meet this objective and provides that the presumed child support obligation is to be determined by Civil Procedure Form No. 14. *See* Rule 88.01(b). The presumed child support amount in a given case (as computed in accordance with Form 14 guidelines) may be rebutted, following consideration of all relevant factors, by a finding on the record by the trial court that the presumed child support amount is unjust or inappropriate. § 452.340.9; Rule 88.01(b).

Thus, in accordance with section 452.340 and Rule 88.01, the trial court follows a two-step procedure in determining child support:

> First, the trial court is required to calculate the child support amount pursuant to Civil Procedure Form 14, either by accepting one of the parent's Form 14 calculations or by performing its own Form 14 calculation. Second, the trial court considers whether the presumed Form 14 amount is "unjust or inappropriate" after considering all relevant factors.

[3] Statutory references are to RSMo 2016.

Irving v. Angstrom, 702 S.W.3d 248, 260 (Mo. App. W.D. 2024) (quoting *Clippard v. Clippard*, 642 S.W.3d 761, 764 (Mo. App. S.D. 2022)).

Line 11 of the Form 14 is intended to provide an "adjustment for a portion of amounts expended by the parent obligated to pay support during periods of overnight visitation or custody." To serve this purpose, the Form 14 Directions, Comments For Use And Examples For Completion Of Form No. 14 ("Form 14 Directions") provide, as relevant to this appeal:

> Enter the monthly amount of any adjustment to which the parent obligated to pay support is entitled for a portion of the amounts expended on the children who are the subject of this proceeding during that parent's periods of overnight visitation or custody. The adjustment shall be calculated by multiplying the basic child support amount from line 5 by the applicable adjustment from the table below. The adjustment is based on the number of periods of overnight visitation or custody per year awarded to and exercised by the parent obligated to pay child support under any order or judgment. . . .

The table supplied by the Form 14 Directions provides a range of adjustment percentages that correspond to a respective range of overnights per year. The table set forth in the Form 14 Directions provides, as relevant to this appeal, the following range of adjustment percentages for the corresponding range of annual overnights:

Number of Overnights	Adjustment
92 to 109	10%
110 to 115	13%
116 to 119	15%
120 to 125	17%

In this matter, Mother and Father each submitted a Form 14 to the trial court. Mother's Form 14 was based on her proposed parenting plan under which Mother would have a greater share of parenting time than Father. Mother's Form 14 provided a 10% adjustment on Line 11, indicative of a parenting plan in which Father would be awarded between 92 and 109 overnights. Father's Form 14 was based on his proposed parenting plan, under which the parties would have equal parenting time. Father's Form 14 reflected a 34% adjustment on Line 11, indicative of a parenting plan in which Father would be awarded between 181-183 overnights.

The trial court's judgment ultimately granted to Mother a greater share of parenting time. Regarding the parenting time schedule, Father was granted overnights every Monday and every other Saturday and Sunday. The trial court also issued a distinct schedule for holidays, vacation, and the children's spring break. The overnights affected by the holiday schedule involved alternating certain holidays based on whether the year was even- or odd-numbered. The overnights for certain other holidays were always awarded to a specific parent.

In even-numbered years, Father received overnight parenting time with the children on Friday, Saturday, and Sunday prior to Martin Luther King Jr. Day and Labor Day. Mother received overnight parenting time with the children on these days in odd-numbered years. In even-numbered years, Father also received overnight parenting time on the Friday and Saturday prior to Easter, with Mother receiving parenting time in odd numbered years. In even-numbered years, Father also received overnight parenting time

on Christmas Eve and New Year's Eve. In odd-numbered years, Father received overnight parenting time on the Friday, Saturday, and Sunday prior to President's Day and Memorial Day, with these holidays to go to Mother in even-numbered years. Father also received overnight parenting time on Wednesday and Thursday of Thanksgiving week and Christmas Day in even numbered years, with Mother to receive overnights in odd-numbered years.

Every year, Father was awarded additional overnight parenting time the Friday, Saturday, and Sunday prior to Columbus Day, and the Friday and Saturday prior to Father's Day. Mother was awarded overnight parenting time the Friday and Saturday prior to Mother's Day.

Spring break was identified as a 16-day period beginning on a Friday and ending on the third Saturday of the period. In even-numbered years, Father would parent the children overnight for eight days beginning on the first Friday until 5:00 p.m. on the second Saturday. Mother received these times in odd-numbered years. In odd-numbered years, Father would parent the children overnight for eight days beginning the second Saturday and running through the third Saturday. Mother received these times in even-numbered years.

Each party was granted a vacation period of seven consecutive days at yet to be determined times. The vacation period could not be designated during a holiday reserved to the other parent, nor could the vacation period cause the children to go more than

seven days without seeing the other parent, unless the parties agreed to waive this requirement.

The trial court adopted Mother's proposed Form 14 as properly calculating the presumed child support amount – including a Line 11 adjustment of 10% indicating that Father had been awarded between 92 and 109 overnights per year.[4] The trial court found that the presumed correct child support amount was not unjust or inappropriate. The trial court ordered Father to pay $1,954.00 in monthly child support payments.

In his motion for new trial, Father argued that the judgment awarded 122 annual overnights to Father, and that the trial court erred in calculating the presumed child support amount pursuant to Form 14 due to this error.

On appeal, Father again asserts that he was awarded between 120 and 125 overnights per year, such that he was entitled to a 17% credit on Line 11 rather than a 10% credit. In support of this argument Father marked calendars for the years 2025 and 2026 with all of his overnight dates marked and tallied. These model calendars indicate that Father received 122 overnights in 2025 and 125 overnights in 2026.

Although Father's calendars are persuasive in establishing error, Father's calendars make certain assumptions without support from the record. First, Father's

[4] Although Comment C of the Form 14 Directions indicates that the Line 11 adjustment may be rebutted under certain circumstances, there is no indication in the record that such rebuttal occurred or that such circumstances were present in this case. Rather, the record indicates that the trial court adopted Mother's Form 14 based on the number of overnights awarded to Father based on Mother's proposed parenting plan. There is no indication that the trial court did anything other than adopt Mother's calculation regarding Father's annual overnights.

calendars assume that the first weekend of 2025 would be Mother's weekend. However, Father points to nothing in the record indicating that this is so. Due to the rather complicated schedule, our review of calendars for 2025 and 2026 indicates that if Father had the children for the first weekend of 2025, he would actually have significantly fewer overnights for the year than if Mother had the first weekend of 2025 (as his model calendars assumed). Second, Father's calendar marks spring break as occurring on specific weekends in March for both 2025 and 2026; however, nothing in the record indicates that this is so. Third, Father places his and Mother's vacation dates on weeks of Father's choosing, which could also potentially affect the number of overnights per year.

Despite these issues with Father's model calendars, it is apparent that the trial court's calculation regarding his award of overnights per year was in error. Generally speaking, Father was awarded two overnights per week, plus additional time for Spring break, vacations, and certain holidays that were always awarded to him. Other holiday departures from the typical schedule always involve days such as Wednesday, Thursday, and Friday that Father would never ordinarily have parenting time, such that these holidays will only add to, and never subtract from, Father's overnights. Moreover, where one parent has two overnights per week on average and the other parent has five overnights per week, an alternating holiday schedule will generally increase the overnights of the parent with two overnights per week. In light of the schedule, it is clear that Father's overnight totals easily exceed 109 overnights per year so as would provide for a greater Line 11 adjustment pursuant to the table in the Form 14 Directions.

On appeal, Father's arguments are sufficient to establish error; however, as indicated above, Father's model calendars are also flawed in a manner that potentially skews the calculation favorably to Father. Because we are unable to determine the method utilized by the trial court at arriving at the number of overnights, this Court must accurately calculate Father's overnights per year in accordance with the trial court's parenting schedule. We do not suggest that our specific approach must be used in every case, or even in any particular case. However, the Form 14 Directions do require courts to arrive at a number accurately reflecting the number of overnights per year awarded to the parent paying child support.

To reach an accurate number, this Court examined and marked calendars with Father's overnights for the years 2025 through 2029. Because the parent with the first weekend of 2025 received a significantly lower number of overnights for certain years, we attempted to account for this variable by also examining and marking alternate calendars for these same years based on the assumption that Father received the first weekend of 2025. Thus, calendars were marked for a total of ten years. Due to uncertainty regarding spring break and vacation, such dates were initially omitted. These projected calendars (excluding spring break and vacation) indicate that Father received an average of 112.6 overnights per year if 2025 began with Mother's weekend, and 110.2 overnights per year if 2025 began with Father's weekend. The average over the ten years examined is 111.4 overnights per year without factoring in spring breaks and vacations, which would increase Father's totals.

After examining the spring break schedule in the parenting plan, it is clear that spring break will add an additional three or four overnights to Father's total in a given year depending on the variables of whether the year was even or odd and whether spring break began on Father's weekend or Mother's weekend. Regarding vacation, there are quite a number of variables that could come into play in a given year. However, Father's week of vacation would add between four to six days to his total, while Mother's week of vacation would subtract from those additions to his total. Unless otherwise agreed by the parties, however, the non-stacking restriction to the parties' vacations would actually limit when Mother's vacation could occur. This restriction, unless waived, would require Mother's vacation to begin on a Monday following Father's weekend, such that only one day would be subtracted from the additions to Father's total by the parties' respective vacation weeks.

After considering the number of overnights awarded to Father in the parenting plan, and attempting to arrive at an accurate annual total despite a number of variables and complexities in the parenting plan, we conclude that Father was awarded between 116 and 119 overnights per year, such that his Line 11 adjustment should have been 15%.

Mother argues that the trial court did not err in the Line 11 adjustment used because courts may disregard rotating holiday schedules in assessing the number of overnights awarded to and exercised by the parent obligated to pay child support. However, Mother provides no support for this argument aside from a case in which the court noted that a party had ***argued*** that rotating holidays can be disregarded. *See Hagen*

v. Harris, 680 S.W.3d 529, 534 (Mo. App. E.D. 2023). The Form 14 Directions indicate that the Line 11 adjustment "is based on the number of periods of overnight visitation or custody per year awarded to and exercised by the parent obligated to pay support under any order or judgment." These Form 14 Directions do not indicate that the Line 11 adjustment is based only on non-holiday overnights but on the number of overnights. These Form 14 Directions serve the goal of adjusting the support amount to reflect the amounts expended on the children during the paying parent's periods of overnight custody. There is no reason to believe that holidays can simply be disregarded when they materially affect the adjustment. Here, the holiday schedule granted Father a significant number of additional overnights per year.

We conclude that the parenting schedule awarded Father between 116-119 overnights per year. Accordingly, the proper Line 11 adjustment was 15%. The trial court erred in applying a Line 11 adjustment of 10%. After multiplying the 15% adjustment by the basic support obligation, the correct presumed child support amount is $1,766.00 per month.

Regarding the disposition of cases on appeal, Rule 84.14 provides appellate courts with authority, when appropriate, to "give such judgment as the court ought to give" and provides that, "[u]nless justice otherwise requires, the court shall dispose finally of the case." *See also Pecher v. Pecher*, 398 S.W.3d 580, 590 (Mo. App. W.D. 2013). The

judgment is modified to reflect a Line 11 credit of 15% and to reduce Father's child support obligation to $1,766.00 per month.[5]

Point Two

As part of Father's employment compensation, Father received two types of stock units that were granted in a given year with the shares to be conferred periodically in subsequent years pursuant to an agreement and schedule. RSU shares were conferred pursuant to a schedule provided that Father continued his employment. PSU shares were conferred pursuant to a schedule based on company performance goals. Father concedes that Mother has a marital interest in these stock units and does not argue that the trial court erred in considering the stock units to be marital property. Instead, Father argues in his second point that the trial court erred in dividing these stock units without addressing the possibility that Father might never receive these stocks.[6]

[5] The downward adjustment of Father's monthly child support payment is made part of the trial court's judgment that ordered Father to pay monthly child support payments beginning on March 1, 2025. As we have no record of the child support payments Father has made since the judgment was entered, we are unable to determine whether Father has overpaid child support since that date or the amount of any credit to which he may be entitled as a result of our amendment of the trial court's judgment in this appeal.

[6] Following the arguments addressing his point relied on, Father makes a series of additional arguments challenging the trial court's judgment in other respects. However, these arguments attempt to assert distinct errors from the error asserted in Father's second point relied on. "Errors raised in the argument portion of a brief but not raised in the points relied on need not be considered by this Court." *State v. Lammers*, 479 S.W.3d 624, 636 n.13 (Mo. banc 2016) (citation omitted).

Regarding the division of property in dissolution proceedings, section 452.330.1 provides that the trial court "shall divide the marital property and marital debts in such proportions as the court deems just after considering all relevant factors . . . ."[7]

The trial court has broad discretion in its division of marital property. *Kaderly v. Kaderly*, 656 S.W.3d 333, 338 (Mo. App. W.D. 2022) (citations omitted). Appellate courts presume that the trial court's division of marital property is correct, and the appellant has the burden of overcoming this presumption. *Id.* at 339. An appellate court will not interfere with the trial court's division of marital property unless the trial court's division amounts to an abuse of discretion. *Id.* "We will find an abuse of discretion only if the ruling is clearly against the logic of the circumstances and is so arbitrary and unreasonable as to shock one's sense of justice and indicate a lack of careful consideration." *Id.* (internal quotations omitted). "The division of marital property need

[7] In full, section 452.330.1 provides:

> 1. In a proceeding for dissolution of the marriage or legal separation, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall set apart to each spouse such spouse's nonmarital property and shall divide the marital property and marital debts in such proportions as the court deems just after considering all relevant factors including:
> (1) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the spouse having custody of any children;
> (2) The contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker;
> (3) The value of the nonmarital property set apart to each spouse;
> (4) The conduct of the parties during the marriage; and
> (5) Custodial arrangements for minor children.

not be equal, but must only be fair and equitable given the circumstances of the case." *Sporleder v. Sporleder*, 655 S.W.3d 1, 8 (Mo. App. W.D. 2022) (quoting *Nelson v. Nelson*, 25 S.W.3d 511, 517 (Mo. App. W.D. 2000)).

Father cites to *Smith v. Smith*, 682 S.W.2d 834 (Mo. App. E.D. 1984), for the proposition that some courts have addressed the contingencies of marital property by providing that such property not be distributable until actually received by the employee. *See id.* at 837. However, Father cites to no authority that ***requires*** the trial court to adopt this approach. Indeed, *Smith* stands for the proposition that trial court ***may*** delay the distribution of stock options until such time as the stock is acquired. *Id.* However, *Smith* also recognized the principle that it is generally better for the parties' interests to be severed in a dissolution judgment. *See id.* (citing *Lynch v. Lynch*, 665 S.W.2d 20, 23 (Mo. App. E.D. 1983)); *see also Lynch*, 665 S.W.2d at 23 ("The most desirable result in a dissolution proceeding would be a full and final division of marital property without any contingencies.").[8]

Missouri courts have recognized that the division of property subject to contingencies presents a complex problem for trial courts. *See Warner v. Warner*, 46 S.W.3d 591, 599 (Mo. App. W.D. 2001) (citing *Kuchta v. Kuchta*, 636 S.W.2d 663, 663 (Mo. banc 1983)). Such courts have emphasized the broad discretion of trial courts to

[8] Indeed, in *Smith*, both parties were dissatisfied by the trial court's approach in delaying the distribution of property, with each party arguing that the stock options should have been severed. *Smith*, 682 S.W.2d at 837.

divide property equitably upon consideration of the circumstances of the case. *Id.* As noted, section 452.330.1 provides that the trial court "shall divide the marital property and marital debts in such proportions as the court deems just after considering all relevant factors . . . ."

In this matter, the trial court's judgment indicates that the trial court considered the circumstances of the case in its division of property. In dividing the marital property, the trial court considered the risk that the shares would not be conferred to Father. In doing so, the trial court considered Father's employment history with his employer and the history of the past stock awards. The trial court found no reasonable expectation to believe that the shares would not be conferred based on the evidence in the case. The trial court also expressly indicated that it had found that Father had improperly liquidated stocks to Mother's detriment while the litigation was pending. In dividing the marital property, the trial court included in its division the RSUs and PSUs that were earned during the marriage yet would not be conferred as shares pursuant to their schedule until 2025 or 2026.

Ultimately, the trial court's judgment did allocate a measure of risk – that some of the shares would not ultimately be conferred as unrestricted shares – to Father. However, the judgment indicates that the trial court considered this risk in light of the circumstances of the case and found that the potential harm underlying the risk was unlikely to occur. The judgment also indicated that the trial court considered the other circumstances of the case in its division of property. In addition to the trial court's

express findings, "[a]ll fact issues upon which no specific findings are made [are] considered as having been found in accordance with the result reached." Rule 73.01(c). Under the circumstances of this case, we do not find that the trial court abused its discretion. That is, we do not find the trial court's ruling to be "so illogical, arbitrary, and unreasonable as to shock the sense of justice and indicate a lack of careful consideration." *See Beecher v. Beecher*, 417 S.W.3d 868, 869 (Mo. App. S.D. 2014).

Point two is denied.

Point Three

In his third point, Father argues that the trial court erred in its division of property, specifically with respect to its valuation of Mother's pension. The trial court found that Mother was in possession of a pension with a value of $25,924.50 and found the pension to be marital property. Father argues that this finding was not supported by substantial evidence and that the trial court misapplied the law in making this finding.

By arguing both that the trial court misapplied the law and that the trial court's argument was not supported by substantial evidence, Father's third point relied on is multifarious. A point relied on is multifarious when it "groups together multiple, independent claims rather than a single claim of error." *Macke v. Patton*, 591 S.W.3d 865, 869 (Mo. banc 2019) (quotations, citation, and brackets omitted). Multifarious points relied on preserve nothing for review. *Id.* Nevertheless, appellate courts have discretion to address the merits of multifarious points relied on *ex gratia*. *See id.*

In this matter, we understand Father to be making an argument that the trial court's judgment was not supported by substantial evidence and address Father's argument that there was a lack of substantial evidence in support of the trial court's finding regarding the value of Mother's pension account.

"Substantial evidence is evidence that, if believed, has some probative force on each fact that is necessary to sustain the circuit court's judgment." *Ivie v. Smith*, 439 S.W.3d 189, 199 (Mo. banc 2014) (citation omitted). "Evidence has probative force if it has any tendency to make a material fact more or less likely." *Id.* "When reviewing whether the circuit court's judgment is supported by substantial evidence, appellate courts view the evidence in the light most favorable to the circuit court's judgment and defer to the circuit court's credibility determinations." *Id.* at 200. "Appellate courts accept as true the evidence and inferences favorable to the trial court's decree and disregard all contrary evidence." *Id.* (internal quotations, citation, and ellipsis omitted).

As Missouri courts have long recognized, to succeed on a substantial evidence challenge, an appellant must complete three steps:

> (1) identify a challenged factual proposition, the existence of which is necessary to sustain the judgment;
>
> (2) identify all of the favorable evidence in the record supporting the existence of that proposition; and,
>
> (3) demonstrate why that favorable evidence, when considered along with the reasonable inferences drawn from that evidence, does not have probative force upon the proposition such that the trier of fact could not reasonably decide the existence of the proposition.

Houston v. Crider, 317 S.W.3d 178, 187 (Mo. App. S.D. 2010).

In this matter, Father seeks to challenge the trial court's finding regarding the value of Mother's pension account. However, Father fails to identify the evidence in the record favorable to the trial court's finding, which necessarily entails that Father made no attempt at assessing the probative value of the evidence supporting the trial court's finding. Accordingly, his substantial evidence challenge necessarily fails.

Mother submitted exhibits from her employer and provided testimony regarding the value of her pension account at the time of trial. Mother's testimony was consistent with the trial court's finding regarding the value of her pension account. Father fails to acknowledge this testimony in the three paragraphs of argument following his third point relied on. As indicated above, a substantial evidence challenge examines the sufficiency of the evidence favorable to the trial court's findings and disregards contrary evidence. *Ivie*, 439 S.W.3d at 199-200. Such a challenge cannot ignore the evidence before the trial court.

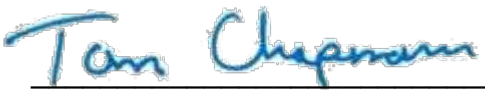
Regarding Father's argument that the trial court misapplied the law, Father asserts that the trial court failed to utilize property values proximate to the date of trial. Father is correct that, "[a]s a general rule, the appropriate date for valuing marital property in a dissolution proceeding is the date of trial." *See In re Marriage of Foster*, 391 S.W.3d 500, 503 (Mo. App. S.D. 2013) (quoting *Schubert v. Schubert*, 366 S.W.3d 55, 72 (Mo. App. E.D. 2012)). However, Father's argument appears to stem from Father's misunderstanding of the evidence in the record of the value of Mother's pension account

at the time of trial. Father argues that there was no evidence of the value of the pension at the time of trial to support the trial court's finding and concludes from this assertion that the trial court must have applied the law in a manner so as to value Mother's pension at a time other than the time of trial. However, there ***was*** evidence in the record to support the trial court's finding regarding the value of Mother's pension at the time of trial. Accordingly, Father's conclusion regarding the trial court's misapplication of law is not supported by the record.

Point three is denied.

Conclusion

Pursuant to Rule 84.14, we modify Father's child support obligation to the sum of $1,766.00 per month. The judgment is affirmed in all other respects.



Thomas N. Chapman, Judge

All concur.