Missouri Court of Appeals
Southern District

In Division

IN THE MATTER OF KYONG SPRUILL,
INCAPACITATED AND DISABLED.

J-PIA SPRUILL,

Respondent,

v.

ARTHUR J. SPRUILL,

Appellant.

Case Number SD39185

Filed: September 14, 2026

APPEAL FROM THE CIRCUIT COURT OF PULASKI COUNTY

Honorable Michael V. Headrick, Judge

AFFIRMED

A daughter served as her incapacitated and disabled mother's guardian and conservator. Pursuant to a court order, the daughter sold her mother's personal property at public auctions. Her mother passed away and the daughter sought to close the conservatorship estate. One of her brothers objected. On appeal, the brother claims the probate division of the circuit court erred as a matter of law in approving the

final settlement and granting a contingent future discharge of the conservator. Seeing no error of law, we affirm.

Factual Background

This is the second appeal arising from rulings in the guardianship and conservatorship proceedings for Kyong Spruill. ***Matter of Spruill***, 709 S.W.3d 438 (Mo.App. S.D.2025). In the first appeal, Kyong's son, Arthur Spruill, challenged the judgment finding Kyong incapacitated and disabled, as well as a subsequent order for sale of Kyong's personal and real property.[1] ***Id.*** at 443. While that appeal was pending, Kyong's personal property was sold at online, public auctions with the assistance of a court-approved auction company. J-Pia and Arthur both bid on property sold at those auctions, and J-Pia was the winning bidder on some lots totaling some $10,000.

After the auction was completed and proceeds had been received by the conservatorship estate, Kyong passed away. J-Pia filed a suggestion of death and request to close the conservatorship estate. Arthur requested that J-Pia file a final settlement and that "all remaining issues" be resolved pursuant to the terms of Kyong's will in separate proceedings for a decedent's estate. While those issues were pending resolution, we affirmed the judgment in the first appeal, finding that Arthur's claims were moot and/or unpreserved. ***Id.*** at 444-45.

[1] Because the conservator, the protectee/decedent, and Appellant all share the same surname, we refer to each individually by her or his given name for purposes of clarity. No familiarity or disrespect is intended.

Arthur then unsuccessfully sought to vacate the prior asset sale order. J-Pia filed a proposed final settlement and subsequently filed an amended final settlement. Arthur objected to the amended final settlement on several grounds. After an evidentiary hearing, the probate division of the circuit court approved the amended final settlement, approved J-Pia's out-of-pocket expenses and extraordinary attorney fees, and granted discharge of J-Pia as conservator upon full distribution of the remaining estate assets.

Discussion

In a single point on appeal, Arthur alleges the probate division of the circuit court misapplied the law when it approved the amended final settlement and granted a contingent future discharge for three reasons: 1) J-Pia's purchase of property from the estate auctions violated her fiduciary duty under § 475.130.1 and was a conflict of interest under § 475.341, 2) J-Pia failed to disclose that her purchase of assets from the estate was for less than fair market value, and 3) the court order authorizing the sale of Kyong's personal property was void and invalid.[2]

"An order approving a conservator's final settlement is appealable …." ***Matter of Shirley Mae Butler, Inc/DSB***, 725 S.W.3d 397, 407 n.2 (Mo.App. S.D. 2025). We will address Arthur's third argument first for ease of analysis.

[2] Statutory references are to RSMo. (Cum. Supp. 2018).

One of the points raised and denied in Arthur's first appeal was a challenge to the order approving the sale of estate assets. ***Spruill***, 709 S.W.3d at 444. "[A] previous holding constitutes the law of the case and precludes relitigation of issues on remand and subsequent appeal." ***Est. of Lambur***, 731 S.W.3d 512, 518 (Mo.App. S.D. 2026). "[T]he law of the case bars relitigation of issues not only expressly raised and decided on appeal, but also those that could have been raised but were not. Thus, failure to raise points in an appeal means a later court need not consider them." ***Walton v. City of Berkeley***, 223 S.W.3d 126, 129 (Mo. banc 2007) (internal citation omitted). "The law of the case doctrine is important because it protects the parties' expectations and promotes uniformity of decisions and judicial economy." ***Id.*** at 131.

Arthur's due process argument in this appeal is different from the prior argument regarding the asset sale order, and it is raised in the context of approval of a final settlement rather than as a direct challenge to the order itself. These distinctions are inconsequential. The due process argument Arthur raises in this appeal was cognizable and *could* have been raised in the prior appeal, but it was not. Once our mandate issued, the propriety of the asset sale order became the law of the case and could not be relitigated. Arthur's argument is barred by the law of the case and will not be considered in this appeal.

We next consider Arthur's argument that J-Pia's purchase of property from the estate auctions violated her fiduciary duty under § 475.130.1 and was a conflict of

interest under § 475.341. Section 475.130.1 unmistakably provides that J-Pia, as conservator, owed a fiduciary duty to her protectee, Kyong. "The conservator of … [an] adult protectee is in a fiduciary relationship with the protectee." ***Stockman v. Schmidt***, 673 S.W.3d 100, 109 (Mo.App. W.D. 2023) (quoting 5D Mo. Prac., Probate Law & Practice § 2026 (3d ed.)). Because Kyong has passed away, a claim she may have had, if any, against J-Pia for breach of fiduciary duty cannot be raised in the conservatorship proceeding; it must be raised by the decedent's estate through the personal representative. ***Scott v. Flynn***, 946 S.W.2d 248, 253 (Mo.App. E.D. 1997). Arthur has not argued or cited to any authority in this appeal that J-Pia, as conservator, owed or breached any fiduciary duties to *him*—nor could he. *See* ***Id.*** (Conservator's fiduciary duty is to protectee; to hold a conservator owes fiduciary duty to protectee's adult children could require conservator to act in direct conflict to statutory obligation to act in the best interest of protectee alone.) Arthur's argument fails because J-Pia owed him no fiduciary duty in the conservatorship proceeding and because Arthur lacks standing to raise such a claim on Kyong's behalf in the conservatorship proceeding.

Finally, we are not persuaded by Arthur's argument that the probate court was precluded, as a matter of law, from approving the amended final settlement because J-Pia failed to disclose that she "sold over ten thousand dollars of [Kyong's] personal property to herself[] for considerably less than fair market value."

When a protectee dies, the conservator's authority terminates immediately, except to wind up administration. ***Blackwood, Langworthy & Tyson, LLC v. Knipp***, 571 S.W.3d 108, 118 (Mo.App. W.D. 2019) (citing §§ 475.083.1(5), 475.083.3). The statutory scheme contemplates the winding up of administration and the filing of a final settlement within 90 days. ***Id.*** (citing § 475.290). All debts and claims need not be resolved by the final settlement; "the only requirement is that an account be given …." ***Id.*** at 119 (citing §§ 475.290, 475.270). "[T]he court is merely required to 'proceed to examine the accounts of the conservator, correct all errors therein, if any there be, and make a final settlement with the conservator[.]'" ***Butler***, 725 S.W.3d at 411 (second alteration in original) (quoting § 475.290.3).

A trial court's acceptance of an annual or final settlement is analogous to an accounting before a master in chancery, and as such this court's determinations present a mixed question of fact and law. ***In re Ansley's Est.***, 68 S.W. 609, 609 (Mo.App. St.L. 1902). "When presented with an issue of mixed questions of law and fact, we defer to the trial court's factual findings so long as they are supported by competent, substantial evidence, but review *de novo* the application of the law to those facts." ***Est. of R.M.T.***, 580 S.W.3d 54, 57 (Mo.App. W.D. 2019) (quoting ***In re L.M.***, 488 S.W.3d 210, 214 (Mo.App. E.D. 2016)). The circumstances of the sale and the value received are issues of fact.

> We defer to the circuit court's judgment on questions of fact because it is in a better position not only to judge the credibility of the witnesses and

> the persons directly, but also their sincerity and character and other trial intangibles which may not be completely revealed by the record.

H. Boone Porter Tr. Created Under Deed of Tr. Dated Aug. 1, 1960 v. Hayes, 666 S.W.3d 186, 191 (Mo.App. W.D. 2023) (citation modified).

J-Pia satisfied her § 475.290 burden to make a final settlement for review and approval. As the party taking exception to the amended final settlement, it was Arthur's burden to prove items should not have been allowed. ***In re Lissner's Est.***, 129 S.W.2d 1067, 1069 (Mo.App. K.C. 1939).

Arthur does not argue that the amended final settlement did not reflect that estate property was sold at public auctions or that the sale proceeds were not accurately reported in the amended final settlement. His argument is that the amended final settlement cannot be a "just and true" accounting without J-Pia disclosing her participation in the auction. Section 475.290 does not require this information to be included in a final settlement or disclosed by the conservator as a precondition to approval of a final settlement. Even so, an evidentiary hearing was held and the court heard testimony that the estate property was sold at online, public auctions. The value of each asset was determined by the highest amount participants, which included parties to this case and third parties, were willing to bid. Arthur did not carry his burden to show that the final accounting was inaccurate or that conservatorship estate property sold for less than fair market value, so we cannot find, on this mixed question

of fact and law, that the court erred as a matter of law in approving the amended final settlement.[3]

We deny Arthur's point relied on and affirm the judgment approving the amended final settlement and conditional discharge of J-Pia as conservator.[4]

JACK A. L. GOODMAN, J. – OPINION AUTHOR

JEFFREY W. BATES, J. – CONCURS

MATTHEW P. HAMNER, J. – CONCURS

[3] We do not reach the propriety of J-Pia as an individual bidding at the estate auction, whether such action constituted a breach of fiduciary duty or conflict of interest, whether J-Pia's participation was contemplated or authorized by the court when it entered its sale order, whether J-Pia's participation in the auctions actually resulted in personal gain, or whether Arthur's participation in the auctions ratified them or estops him from challenging J-Pia's participation.

[4] J-Pia's request for an award of damages, essentially for attorney fees in this appeal, is denied without prejudice to refiling as a claim against Kyong's decedent estate. "Section 475.320 contemplates expenses incurred during a conservatorship surviving as claims against a decedent's estate." ***Knipp***, 571 S.W.3d at 117. Attorney fees paid by the conservator to defend the amended final settlement on appeal may qualify as "liabilities incurred by the conservator for the benefit of the protectee or [her] estate," and "may be filed in the probate division of the circuit court." Section 475.205. "After hearing, the probate division of the circuit court may allow a claim so filed, in whole or in part, or disallow it." ***Id.***