In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

IN THE ESTATE OF: DENNIS HICKS,	))))))	ED114395 Filed: September 15, 2026

Appeal from the Circuit Court of St. Louis County
The Honorable Nicole S. Zellweger, Judge

Brook View Nursing Home, Inc., d/b/a StoneBridge Maryland Heights appeals the circuit court's judgment denying its petition for accounting pursuant to section 461.300, RSMo 2016. StoneBridge claims the circuit court erred by determining that a nonprobate transfer paid to Todd Hicks, the beneficiary of a deceased resident's individual retirement account ("IRA"), was not a recoverable transfer. The judgment is affirmed.

Background

Dennis Hicks ("Decedent") resided at a nursing home StoneBridge owned and operated. The circuit court determined that Decedent was an incapacitated and disabled adult and appointed Thomas Nations as Decedent's conservator.

Decedent died in April 2024. Letters of administration were issued to Nations, and he opened Decedent's estate. StoneBridge, the State, and Nations all filed claims against

the estate. The estate, however, contained insufficient funds to settle all liabilities. Todd Hicks was the beneficiary of Decedent's IRA and received a nonprobate transfer from the IRA.

StoneBridge made a demand on the estate for payment, and in October 2024, Nations filed a petition for accounting to recover the nonprobate transfer made to Hicks. The circuit court granted StoneBridge leave to intervene in October 2025.

The circuit court held a hearing. StoneBridge established the amount Decedent owed it at the time of his death. In addition to testifying about the estate's liabilities, Nations testified that Decedent had two IRAs with beneficiary designations that were not part of the estate. Nations testified that he served a demand on Hicks to deposit the IRA's funds into the estate, but Hicks did not respond to the demand.[1] Nations requested the circuit court grant the petition for accounting to recapture Decedent's IRA transfer to Hicks to settle the estate's liabilities.

Hicks did not appear at the hearing. Instead, he sent a letter to the circuit court indicating Nations released the IRA's transfer to him. In the letter, Hicks explained that after he received the transfer, StoneBridge contacted him regarding Decedent's outstanding bill; Hicks referred StoneBridge to Nations.

The circuit court issued a judgment denying the petition for accounting. The circuit court concluded that the IRA's nonprobate transfer to a designated beneficiary was not a "recoverable transfer" under section 461.300.10(4) because Decedent's IRA was

[1] There was no testimony regarding the ownership of the other nonprobated IRA distribution or whether Nations made a similar demand from its beneficiary.

not subject to satisfaction of Decedent's debts immediately prior to his death as set forth in section 513.430. StoneBridge appeals.

Standard of Review

This Court must affirm the circuit court's judgment "unless there is no substantial evidence to support it, it is against the weight of the evidence, it erroneously declares the law, or it erroneously applies the law." *Est. of Merriott v. Merriott*, 439 S.W.3d 259, 262 (Mo. App. 2014). The circuit court may "believe any, all, or none of the evidence presented." *Holm v. Wells Fargo Home Mortg., Inc.*, 514 S.W.3d 590, 596 (Mo. banc 2017).

Analysis

StoneBridge argues on appeal that the circuit court erroneously interpreted the definition of "recoverable transfer" set forth in section 461.300.10 to require that the asset transferred must have been subject to attachment under Chapter 513 prior to a decedent's death. StoneBridge argues that, because the IRA funds could have been voluntarily used to pay Decedent's debts before his death, those funds should be accessible to Decedent's creditors after his passing. The resolution of this issue requires this Court to assess the meaning of the phrase "subject to satisfaction" as used in section 461.300.

Section 461.300 provides that, when a decedent's liabilities exceed the value of the decedent's estate, qualified claimants may bring an action for accounting to obtain the value of a "recoverable transfer." *Est. of Toguri by & Through Toguri v. Est. of Pierotti*

by & Through Pierotti, 733 S.W.3d 512, 519-20 (Mo. App. 2026). A "recoverable transfer" is

> a nonprobate transfer of a decedent's property under sections 461.003 to 461.081 and any other transfer of a decedent's property other than from the administration of the decedent's probate estate that was subject to satisfaction of the decedent's debts immediately prior to the decedent's death, but only to the extent of the decedent's contribution to the value of such property.

Section 461.300.10(4).

StoneBridge makes two arguments that the IRA transfer is a recoverable transfer. First, it argues that section 461.300.10 describes two categories of transfers: nonprobate transfers and "other transfers." According to StoneBridge, the phrase "subject to satisfaction of the decedent's debts" only applies to "other transfers." This argument flows from an unnatural reading of the definition.

Stonebridge would split the definition like this:

> a nonprobate transfer of a decedent's property under sections 461.003 to 461.081 and
>
> any other transfer of a decedent's property other than from the administration of the decedent's probate estate that was subject to satisfaction of the decedent's debts immediately prior to the decedent's death.

Under StoneBridge's reading, if the transfer is a nonprobate transfer, then it is irrelevant whether the property was "subject to satisfaction of the decedent's debts immediately prior to the decedent's death." Instead, that clause would only apply to "other transfer[s] of a decedent's property." Because the IRA transfer is a nonprobate transfer, it would be

a recoverable transfer regardless of whether it was "subject to satisfaction of the decedent's debts immediately prior to the decedent's death."

The context of the statute, however, suggests that the phrase "subject to satisfaction" was intended to apply to both types of transfers referenced in 461.300.10. The *property* transferred is what must have been "subject to satisfaction." The operative effect of the definition of "recoverable transfer" is to identify property subject to the statute's reach. StoneBridge provides no authority suggesting that property transferred through nonprobate transfers should be treated differently than property transferred by "other transfers." We find no support for this in the language of the statute. A natural reading of the definition of recoverable transfer leads to the conclusion that the subject to satisfaction clause is intended to modify both types of transfers.

This conclusion is only bolstered by the statute's final clause which reads that the recoverable transfer is limited to "the extent of the decedent's contribution to the value of such property." If the definition is split as StoneBridge argues, then that clause would only apply to "other transfers" as well. This would, in theory, permit an estate to "recover" value from a nonprobate transfer beyond the decedent's own contributions. That cannot possibly be the intended meaning of the legislature. Therefore, to qualify as a "recoverable transfer" under section 461.300.10, the property transferred must have been "subject to satisfaction of the decedent's debts immediately prior to the decedent's death" regardless of the manner of the property's transfer.

This leads into StoneBridge's second argument, which is that Decedent's IRA was a recoverable transfer because it was "subject to satisfaction" of his debts immediately

before his death. StoneBridge's argument is based on the theory that, had Decedent remained living he likely would have paid his bills, even if that required liquifying his IRA. In StoneBridge's interpretation, any property over which a decedent exercised control would be "subject to satisfaction" of that decedent's debts. There is no support for this broad reading of the phrase.

Instead, this Court has read the phrase "subject to satisfaction" to apply to property that is "subject to seizure and attachment for Decedent's debts." *In re Estate of Hayden*, 258 S.W.3d 505, 512 (Mo. App. 2008) (holding a decedent's real property interest was subject to satisfaction of decedent's debts because it was subject to seizure and attachment). In other words, property is "subject to satisfaction" of a debt when it can be attached and executed upon in the manner reserved for satisfaction of judgments.

Defining "subject to satisfaction" as used in 461.300 in this manner keeps the statute in line with the structure of Missouri's probate code. Under that code, a decedent's creditors must make a claim for payment against the decedent's estate. Section 473.360. Failure to do so results in the loss of that claim. *Id.* Any claim that is allowed by the court becomes a judgment against the estate. *See* section 473.403 ("The order allowing the claim has the effect of a judgment and bears interest at the legal rate ….")

StoneBridge followed that procedure here. StoneBridge filed a claim against the estate for Decedent's unpaid bills. Were StoneBridge's claim allowed, it would have a judgment against the estate. By requiring Decedent's property to be "subject to satisfaction" before it can be considered a recoverable transfer, section 461.300 keeps StoneBridge in the same position it would have been in if the judgment were against

Decedent immediately before his death. As a result, this Court reads the phrase "subject to satisfaction" to mean that a creditor could have used the property to satisfy a judgment for the debt.

Determining whether the transfer of Decedent's IRA is a recoverable transfer, therefore, turns on whether Decedent's IRA could have been attached to satisfy his debts during his lifetime. To make that determination, the Court turns to Chapter 513, which governs executions in satisfaction of judgments.

Specifically, section 513.430 lists items exempt from attachment. "Any money" payable "to a participant or beneficiary" from a qualified IRA pursuant to section 408 of the Internal Revenue Code of 1986 is exempt from attachment and execution. Section 513.430.1(10)(f). Decedent's IRA was a qualified IRA, and it could not have been used to satisfy his creditors during his lifetime.[2] Because Decedent's IRA would not have been subject to attachment to satisfy his debts prior to his death, the nonprobate transfer of Decedent's IRA fails to meet the statutory definition of a recoverable transfer pursuant to section 461.300.10(4).

The circuit court properly relied on section 513.430.1 to determine whether Decedent's nonprobate transfer met the definition of a recoverable transfer in section 461.300.10(4). There was no error. This point is denied.

[2] StoneBridge acknowledges Decedent's IRA proceeds were exempt from creditor attachment during his lifetime pursuant to section 513.430.1(10)(f).

Conclusion

The circuit court's judgment is affirmed.



John P. Torbitzky, Judge

Michael E. Gardner, Presiding Judge and
James M. Dowd, Judge, concur.