OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

IN THE MATTER OF: RAY BERGFELD, DECEASED	)	ED113884
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	)	Filed: November 10, 2026
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Appeal from the Circuit Court of St. Charles County
The Honorable Dennis R. Chassaniol, Judge

SUMMARY:
Mary Alice Bergfeld (Mary Alice) appeals from the trial court's judgment on her claim of fraudulent misrepresentation against the estate (Estate) of her late husband, Ray Bergfeld (Buzz), as well as the court's remedy of creating an equitable trust. The Estate cross appeals from the trial court's judgment in favor of Mary Alice on her claim of negligent misrepresentation against the Estate. The crux of this case centers on the representations Buzz made about his Individual Retirement Account (IRA) to induce Mary Alice to agree to divide the marital assets in their joint trust (Joint Trust), thereby terminating it.

Mary Alice raises three points on appeal. Her first point alleges the trial court's judgment in favor of the Estate on her count of fraudulent misrepresentation is against the weight of the evidence. She contends the trial court's finding is erroneous because the sole evidence elicited at trial proved Buzz knew his representations were false at the time he made them. Point Two asserts the trial court erroneously applied the law by imposing an equitable trust under the equitable conversion doctrine, rather than her requested remedy of rescission.

In her third and final point, Mary Alice argues in the alternative that if the equitable conversion doctrine applies, the trial court's judgment is against the weight of the evidence. She alleges the trial court's remedy fails to reflect the parties' intent that Mary Alice have access to the IRA funds not only for catastrophic medical care, but also for general support. Additionally, Mary Alice alleges the court-created trust does not adequately compensate her financial loss as the IRA funds should have been accessible to

her upon Buzz's death in November 2021, rather than four years later when the court entered its judgment in May 2025.

The Estate brings two points on cross-appeal. In its Point One, the Estate asserts the trial court erroneously applied the law in finding Buzz made negligent misrepresentations to Mary Alice because he did not make those representations as part of a particular business transaction, a required element of this cause of action. In Point Two, the Estate contends that the trial court erred in issuing a judgment without findings of facts on Mary Alice's negligent misrepresentation claim, notwithstanding the Estate's Rule 73.01(c) request, which precludes meaningful appellate review.

AFFIRMED.

DIVISION TWO HOLDS:
We deny Mary Alice's Point One because of our deferral to the trial court's credibility determinations, and because the evidence supports the court's denial of her claim for fraudulent misrepresentation.

We deny Mary Alice's Point Two because the trial court's remedy of an equitable trust is appropriate in the context of a probate matter.

We deny Mary Alice's Point Three because the trial court's limitations on the equitable trust's categories of expenses and effective date properly fulfilled the true intent of the parties' agreement.

We deny the Estate's Point One because, as a matter of first impression, we hold that co-management of a trust satisfies the particular business transaction element of negligent misrepresentation provided that, as here, the speaker holds a pecuniary interest.

We deny the Estate's Point Two because we find that the trial court made sufficient findings of fact for us to meaningfully review its judgment.

Opinion by: Rebeca Navarro-McKelvey, Judge
Lisa P. Page, Presiding Judge; Kathleen S. Hamilton, Judge, concur.

Attorney for Appellant: Brian M. Wacker

Attorneys for Respondents and Cross Appellant: John Challis, Joshua S. Rose, and Richard A. Yawitz, and Heather M. Hall

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.