**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

**JOSEPH C. BARBER AND BRENDA L. BARBER, Respondents,**
**v.**
**KIMBERLY R. WEGER, Appellant.**

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Docket Number WD88284

Date: November 17, 2026

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Appeal From:

Boone County Circuit Court
The Honorable Michael William Bradley, Judge

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Appellate Judges:

Special Division: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, and Gary D. Witt, Judge

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Attorneys:

Phebe LaMar, Jackie Rodgers, Columbia, MO, for respondents.

Curt Branson, Columbia, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

**JOSEPH C. BARBER AND BRENDA L. BARBER, Respondents,**
**v.**
**KIMBERLY R. WEGER, Appellant.**

WD88284 Boone County

Before Special Division: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, and Gary D. Witt, Judge

Kimberly R. Weger appeals from the trial court's judgment in favor of Joseph C. Barber and Brenda L. Barber awarding damages for failing to timely release of a deed of trust and for tortious interference with a real estate contract. Weger asserts that the trial court's judgment must be reversed because it is not supported by substantial evidence.

**AFFIRMED AND REMANDED FOR DETERMINATION OF AN AWARD OF ATTORNEY'S FEES**

**Special Division holds:**

1. Testimony and bank records provided substantial evidence to support the trial court's determination that the plaintiffs fully paid the promissory note secured by the deed of trust and were entitled to damages pursuant to section 443.130, RSMo.

2. Substantial evidence established that the refusal to release the deed of trust was not justified by a legitimate belief that the underlying promissory note was not fully paid and was instead motivated by Weger's desire to prevent the plaintiffs' sale of the property, thus supporting a finding of no justification as an element of the claim of tortious interference with a real estate contract.

3. If a mortgagee fails to execute a deed of release after a proper demand to do so has been made by the mortgagor, section 443.130.1 permits an award of attorney's fees in favor of the mortgagor. Accordingly, the plaintiffs are entitled to an award against Kimberly for their reasonable attorney's fees incurred post-judgment and on appeal.

**Opinion by: Cynthia L. Martin, Judge** November 17, 2026

This summary is unofficial and should not be quoted or cited.