

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION FOUR

IN THE MATTER OF THE CHARLES H. STIX TESTAMENTARY TRUST DATED AUGUST 7, 1945, AND THE CLARA F. STIX TESTAMENTARY TRUST DATED APRIL 20, 1943	)	No. ED102055
	)	Appeal from the Circuit Court of the City of St. Louis
	)	1222-PR00313
	)	Honorable Philip D. Heagney
	)	Filed: April 28, 2015

Charles Grace, Nancy Grace, and William Grace (collectively “Appellants”) appeal the probate court’s grant of summary judgment in favor of Justin Grace (“Respondent”), finding that Respondent was a qualified beneficiary to two testamentary trusts at issue because he is the descendant of Appellants’ brother Robert Grace.

AFFIRMED.

Division Four holds: Respondent is Robert Grace’s legal child, both by presumption and as adjudicated by the Washington court in Robert Grace’s divorce proceeding. Appellants cannot relitigate the matter decades later. The probate court did not err in granting summary judgment in favor of Respondent and finding he is a “descendant” within the meaning of the trust documents.

Opinion by: Robert M. Clayton III, J.  
Roy L. Richter, P.J. and Robert G. Dowd, J., concur.

Attorney for Appellant: Michael W. Bartolacci, Kimberly M. Bousquet,  
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Attorneys for Respondent: Robert J. Selsor, Michael J. McKittrick, Misty A. Watson,  
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