

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

ELAINE KLINKERFUSS,)	ED91063
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Michael T. Jamison
WILLIAM L. CRONIN,)	
)	
Respondent.)	Filed: April 7, 2009

OPINION SUMMARY

The plaintiff beneficiary, Elaine Klinkerfuss, appeals a judgment, entered pursuant to our prior remand, for attorneys' fees against her share of a trust due to her vexatious litigation against the defendant trustee, William Cronin. Because we find no error, we affirm the trial court's award of attorney's fees and expenses in the amount of \$161,728.95, which entirely exhausts the beneficiary's share of the trust. Because we conclude that this appeal represents a continuation of the beneficiary's groundless litigation against the trustee, we award the trust its attorneys' fees and expenses on appeal in the amount of \$57,762.11. We remand the cause with directions that the trial court enter judgment in favor of the trust and against the plaintiff beneficiary for \$57,762.11.

AFFIRMED AND REMANDED WITH INSTRUCTIONS.

DIVISION TWO HOLDS: We affirm the trial court's judgment allocating \$161,728.95 in attorneys' fees and expenses against the plaintiff beneficiary's share of the trust for services performed up to the time of the remand hearing. We grant the trustee's motion for \$57,762.11 in attorneys' fees and expenses on appeal and remand for entry of judgment of \$57,762.11 in favor of the trust and against the plaintiff beneficiary personally.

Opinion By: Lawrence E. Mooney, J. Roy L. Richter, P.J., and
George W. Draper III, J. concur.

Attorney for Appellant: Irl B. Baris

Attorney for Respondent: Kevin F. Hormuth

**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.**