

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

BILLY ECKERD and CLETA ECKERD, ) No. ED91431  
Appellants, )  
)  
vs. ) Appeal from the Circuit Court of  
) Ste. Genevieve County  
)  
COUNTRY MUTUAL INSURANCE )  
COMPANY, et al., Respondents. ) Filed: May 12, 2009

Billy and Cleta Eckerd ("the Eckerds") appeal from a judgment entered after a jury verdict in favor of Country Mutual Insurance Company ("Insurance Company") on their claim for insurance benefits.

AFFIRMED.

Division Two Holds: The trial court's judgment is affirmed in all respects:

- (1) The trial court did not err in denying the Eckerds' Motion to Strike, or in denying their Motion for a Directed Verdict or Motion for Judgment Notwithstanding the Verdict;
- (2) The trial court properly admitted all the evidence pertaining to the Eckerds' bankruptcy;
- (3) Insurance Company did not waive any policy defenses, nor was it estopped to deny that the Eckerds' personal property had a value less than the insured value; and
- (4) The trial court did not err in instructing the jury.

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

Attorneys for Appellant:      Arthur G. Muegler, Jr.

Attorneys for Respondent:      Daniel E. Wilke, Julia E. Wilke

**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.**