

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

DELISA L. COLEMAN,	Appellant,	)	No. ED92564
		)	
v.		)	Appeal from the Circuit Court of
		)	St. Louis County
DUANE L. COLEMAN,		)	Hon. Robert S. Cohen
Respondent/Cross-Appellant.		)	Filed: June 22, 2010

#### OPINION SUMMARY

Duane and Delisa Coleman were granted a dissolution of marriage on November 12, 2008. Delisa appeals from the trial court's award of monthly maintenance to her and its method of valuation of Duane's interest in the Lewis Rice & Fingersh, L.C. ("Lewis Rice") law firm. Duane cross appeals from the trial court's award of attorney's fees to Delisa and from the trial court's division of marital property.

Delisa raises three points on appeal: 1) that the trial court erred and abused its discretion in limiting her maintenance award to \$1,500.00 per month because the award reflects a misapplication of Section 452.335;<sup>1</sup> 2) that the trial court erred to the extent that it limited maintenance to \$1,500.00 per month due to her supposed marital misconduct because the court's finding that the conduct contributed to the breakdown of the marriage was not supported by substantial evidence; and 3) that the trial court erred in concluding that it was required to find the value of Duane's interest in Lewis Rice in accordance with the firm's operating agreement because that conclusion precluded the court from considering evidence relevant to the true value of the asset.

Duane raises seven points on cross appeal: 1) that the trial court erred in awarding any maintenance to Delisa because she has income available to her from employment and marital property awarded that is sufficient to meet her reasonable needs; 2) that the trial court's award of \$500 per month post judgment maintenance should be reversed because uncontroverted evidence established that Delisa had immediate access to income producing marital property upon entry of the judgment as contemplated by the trial court; 3) that the trial court erred in awarding Delisa \$50,000 in attorney's fees in light of the overwhelming evidence of her marital misconduct; 4) that the trial court erred in awarding Delisa \$10,000 for her attorney's fees on appeal; 5) that the trial court erred in its division of marital property and debt because the National City money market account awarded to him placed a significant marital tax burden on him that the trial court did not consider or allocate; 6) that the trial court erred in not valuing the additional household goods that it awarded to Delisa as they are required to be under Section

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<sup>1</sup> All statutory references are to RSMo. 2000, unless otherwise indicated.

452.330.1; 7) that the trial court erred in awarding Delisa the upgraded diamond ring that he purchased and gave to her as a gift in 2005 because she testified in her deposition that she told him that he could keep the ring.

**AFFIRMED**

**DIVISION ONE HOLDS:** 1) The trial court's award of \$1,500 per month maintenance to Delisa is supported by substantial evidence; 2) the trial court did not err in its method of valuation of Duane's interest in Lewis Rice; 3) the trial court did not err in its award of \$500 per month of post judgment maintenance to Delisa; 4) the trial court did not err in awarding Delisa \$50,000 in attorney's fees for the dissolution and an additional \$10,000 in attorney's fees for her appeal; and 5) the trial court did not err in its division of marital and personal property and debt.

Opinion by: Nannette A. Baker, J.

Kathianne Knaup Crane, P.J. and Clifford H. Ahrens, J., concur.

Attorney for Appellant: Merle Silverstein Michael Gross, Co-Counsel

Attorneys for Respondent: Joanne Descher

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