

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RALLS COUNTY MUTUAL)	No. ED92732
INSURANCE COMPANY, Respondent,)	
)	Appeal from the Circuit Court
vs.)	of Marion County
)	
RCS BANK, f/k/a RALLS COUNTY)	Filed:
STATE BANK, Appellant.)	June 29, 2010

RCS Bank f/k/a Ralls County State Bank ("Bank") appeals from the judgment entered in favor of Ralls County Mutual Insurance Company ("Insurance Company") imposing a constructive trust in the amount of \$126,789.63.

REVERSED.

The Northern Division holds: The Insurance Company failed to present clear, cogent, and convincing evidence identifying any specific funds as the res upon which the trust could be attached. Therefore, the trial court erred in imposing a constructive trust.

Opinion by: Robert G. Dowd, Jr., J.
Roy L. Richter, P.J. and Kurt S. Odenwald, concur.

Attorney for Appellant: Mark S. Wasinger

Attorneys for Respondent: Louis J. Leonatti and Randall P. Baker

**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.**