

**OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION FOUR**

DEBORAH THEERMAN,)	No. ED93313
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	Honorable John F. Kintz
)	
)	Cause No. 07SL-CC00954
FRONTENAC BANK,)	
)	
Respondent.)	Filed: April 27, 2010
)	

Deborah Theerman (hereinafter, “Appellant”) appeals the trial court’s grant of summary judgment in Frontenac Bank’s (hereinafter, “the Bank”) favor finding Appellant was not entitled to the proceeds of four certificates of deposit (hereinafter, “the disputed CDs”) as a matter of law. Appellant raises three points on appeal. In her first point, Appellant asserts the trial court erred in granting summary judgment in favor of the Bank because a genuine issue of material fact exists in that the Bank’s claim Appellant’s name was added as a joint owner of the disputed CDs due to a computer error was “denied and controverted” by testimony such error could not have occurred. In her second point, Appellant asserts the trial court erroneously entered summary judgment in the Bank’s favor because it incorrectly interpreted Sections 461.021 and 461.028 as requiring the Bank to pay the proceeds of the disputed CDs to the two designated pay-on-death (hereinafter, “the POD”) beneficiaries. In her final point, Appellant claims the trial court erroneously granted the Bank’s summary judgment motion because it wrongly interpreted Section 362.471.6 as mandating the Bank pay the proceeds of the disputed CDs to the POD beneficiaries. In particular, Appellant alleges Sections 461.021, 461.028, and 362.471 do not address the relationship between a joint owner and POD beneficiaries nor do they require a written document for a CD holder to add a joint owner.

REVERSED AND REMANDED.

Division IV Holds: The trial court erred in granting the Bank’s motion for summary judgment because genuine issues of material fact exist as to whether Appellant was a joint owner of the disputed CDs. Furthermore, the Bank is not entitled to judgment as a matter of law pursuant to Sections 461.021, 461.028, or 362.471.

Opinion by: George W. Draper III, J.

Kurt S. Odenwald, P.J., and Gary M. Gaertner, Jr., J. concur

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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.