

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

DAVID PETERS, Appellant,)	No. ED94219
)	Appeal from the Circuit Court of
v.)	St. Charles County
)	Hon. Jon Alan Cunningham
GILBERT L. PETERS, JR., Individually)	
and JANET M. TRENT, Respondents.)	FILED: August 31, 2010

OPINION SUMMARY

David Peters (“David”) appeals from the trial court’s grant of summary judgment on his petition for an accounting of the Gilbert L. Peters and Marcella K. Peters Revocable Living Trust (“Peters Trust”) and a declaratory judgment. On appeal, David claims that the trial court erred in granting summary judgment because he was a lawful beneficiary of his father’s trust, and that the trial court erred in finding that the Peters Trust was still revocable after Marcella Peters (“Marcella”)’s death.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART

DIVISION FOUR HOLDS: (1) The trial court did not err in finding that the Peters Trust is revocable; and (2) The trial court erred in not finding that David, as a beneficiary of the Trust, is entitled to an accounting.

Opinion by: Nannette A. Baker, J.
Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorney for Appellant: Mark M. Wenner

Attorney for Respondent: Peter A. Gianino, Jr.

**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.**