

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

SUSAN E. BOWMAN, Respondent, ) No. ED94509  
 ) Appeal from the Circuit Court of  
vs. ) St. Louis County  
 ) Honorable Ellen Levy Siwak  
GERARD L. PRINSTER, Appellant. ) Filed: October 23, 2012

Gerard Prinster (Husband) appeals the judgment entered by the Circuit Court of St. Louis County dissolving his marriage to Susan Bowman (Wife). Husband claims the trial court erred in: (1) permitting his attorneys to withdraw and denying his motion for a continuance; (2) relying on incompetent testimony and stale appraisals in valuing the parties' real estate; (3) determining that the home the parties shared during the marriage (the Residence) was Wife's separate property; (4) determining that Husband's interests in a business and a retirement account were marital; and (5) awarding Wife temporary and future maintenance.

AFFIRMED.

Division Four Holds: (1) The trial court did not err in permitting Husband's attorneys to withdraw and denying Husband a continuance because Husband's attorneys gave him notice of the withdrawal and Husband, who was present at the withdrawal hearing, stated that he did not want to postpone the trial. (2) The trial court did not err in relying on Wife's testimony and the appraisals Wife introduced in support of her testimony in its valuation of the real estate because Husband failed to preserve the issue for appellate review. (3) The trial court did not abuse its discretion in determining that the Residence was Wife's separate property because Husband failed to present clear and convincing evidence to overcome the presumption that he gifted the Residence to Wife. (4) The trial court did not err in determining that Husband's interest in an LLC was marital because Husband transmuted the interest to marital property by commingling funds and the trial court's determination that the LLC "is 100% Husband" was for purposes of valuing Husband's interest and awarding it to him. The trial court did not err in characterizing Husband's retirement account as marital because Husband presented no evidence demonstrating what portion of the account was separate. (5) The trial court did not err in awarding Wife temporary maintenance because Wife did not abandon her request and res judicata did not prevent the trial court from addressing the issue. The trial court did not err in awarding Wife future maintenance because Wife cannot meet her needs until she receives the property awarded to her in the dissolution.

Opinion by: Patricia L. Cohen, J.

Lawrence E. Mooney, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Benicia A. Baker-Livorsi

Attorney for Respondent: Tonya D. Page

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