

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

BRET MERSEAL and GLENDA MERSEAL, Respondents,)	No. ED98519
)	
vs.)	Appeal from the Circuit Court of St. Francois County
)	
FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MISSOURI, Appellant.)	Honorable Robin E. Fulton Filed: April 9, 2013

Farm Bureau Town & Country Insurance Company of Missouri (“Farm Bureau”) appeals from the trial court’s judgment after a jury returned a verdict in favor of Bret and Glenda Merseal (“the Merseals”) on their claim of breach of contract and vexatious refusal to pay.

AFFIRMED AND REMANDED WITH INSTRUCTION.

Division Three Holds:

- (1) There is sufficient evidence from which a jury could conclude that the Merseals did not intentionally misrepresent the amount of their personal property to deceive Farm Bureau; therefore, the trial court did not err in refusing to grant Farm Bureau’s motion for judgment notwithstanding the verdict.
- (2) There is sufficient evidence from which a jury could conclude that Farm Bureau’s refusal to pay was without reasonable cause or excuse; therefore, the trial court did not err in refusing to grant Farm Bureau’s motion for judgment notwithstanding the verdict.
- (3) In light of the evidence presented to the jury, we cannot say the trial court abused its discretion in denying Farm Bureau’s motion for remittitur.
- (4) We grant Merseals’ motion for attorney’s fees on appeal and remand to the trial court for a determination of reasonable attorney’s fees on appeal.

Opinion by: Angela T. Quigless, J.
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., concur.

Attorney for Appellant: Robert L. Brady

Attorney for Respondents: Matthew C. Casey

<p>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.</p>
