

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ELLEN R. GREENBERG n/k/a KLAMON,)	No. ED99952
Respondent,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	Honorable John R. Essner
BARRY J. GREENBERG, Appellant.)	Filed: February 10, 2015

Barry Greenberg (Husband) appeals the judgment entered by the Circuit Court of St. Louis County modifying the decree of dissolution between Husband and Ellen Klamon (Wife) in which the trial court increased Husband's maintenance obligation from \$4,000 per month to \$4,400 per month. Husband claims that the trial court erred in: (1) granting Wife's motion to increase maintenance; and (2) denying his motion to decrease maintenance.

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in including attorney fees in its calculation of Wife's reasonable monthly expenses. Because the trial court based its findings that Wife was unable to meet her reasonable needs and that a substantial and continuing change in circumstances made the original maintenance award unreasonable upon its erroneous calculation of Wife's reasonable monthly expenses, we reverse and remand the trial court's judgment increasing maintenance. We remand to the trial court for reconsideration of whether a substantial and continuing change in circumstances exists to grant either Husband's motion to modify or Wife's counter-motion to modify.

Opinion by: Patricia L. Cohen, P.J.
Roy L. Richter, J., and Robert M. Clayton III., J., concur.

Attorney for Appellant: Lawrence G. Gillespie
Attorney for Respondent: Nathan S. Cohen

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.