

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

IN THE ESTATE OF: FLORENCE M. BELL, Deceased.

JUSTIN M. BELL,

Appellant,

v.

ROLAND BELL, RANDY BELL, DENNIS BELL, MARC BELL and ALLISON BELL, Husband and Wife, and KEVIN K. ANDERSON, Personal Representative,

Respondents.

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**DOCKET NUMBER WD 69776**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** September 15, 2009

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**Appeal from**

The Circuit Court of Bates County, Missouri  
The Honorable Wayne P. Strothmann, Judge

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**Appellate Judges:**

Division Two: Howard, P.J., and Ellis and Pfeiffer, JJ.

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**ATTORNEYS**

Dennis Owens and Jonathan Sternberg, Kansas City, MO  
Richard A. Koehler, Butler, MO

Attorneys for Appellant, Justin M. Bell,

Harold L. Caskey and William C. Hopkins, II, Butler, MO

Attorneys for Respondent, Roland Bell,

Matthew D. Lowe, Clinton, MO

Attorney for Respondents, Dennis Bell and Randy Bell,

Eric M. Landoll, Nevada, MO

Attorney for Respondents, Marc Bell and Allison Bell,

Kevin K. Anderson, Harrisonville, MO

Personal Representative of the Estate of Florence M. Bell.

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# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**IN THE ESTATE OF: FLORENCE M. BELL, Deceased.**

**JUSTIN M. BELL, Appellant,**  
**v.**

**ROLAND BELL, RANDY BELL, DENNIS BELL, MARC BELL and ALLISON BELL, Husband and Wife, and KEVIN K. ANDERSON, Personal Representative, Respondents.**

No. WD 69776

Bates County

Before Division Two Judges: Howard, P.J., and Ellis and Pfeiffer, JJ.

Justin Bell appeals the trial court's judgment approving the Estate of Florence M. Bell's ("the Estate") personal representative's compromise settlement on Justin Bell's petition for discovery of assets. On appeal, Justin Bell has one point in which he claims that the trial court erred in approving the personal representative's settlement because there was no evidence at the hearing from which the trial court could conclude that the settlement is in the best interest of the Estate.

### **REVERSED AND REMANDED WITH INSTRUCTIONS.**

#### **Division Two holds:**

In this case, the record shows that the trial court did not take judicial notice of any court files or any other governmental records like, for example, the county assessor's appraised value of the real property that was the subject of the dispute before the trial court. The record shows that the trial court did not admit any exhibits or documents into evidence at the hearing. Furthermore, there is nothing in the record to show that the parties had agreed on a list of stipulated facts. The trial court, therefore, had no documentary evidence before it to justify approval of the settlement proposal. And, while the trial court recites the taking of "sworn testimony by the personal representative," the record reflects that the trial court did not swear the personal representative in.

Because there is no substantial evidence to support the trial court's judgment, we reverse and remand to the trial court with instructions for the trial court to resume the evidentiary hearing for the purpose of obtaining substantial evidence to support any ruling or judgment of the trial court on the personal representative's motion to review and determine whether the settlement offer tendered to settle the discovery of assets proceeding in the underlying case should or should not be approved by the trial court.

Opinion by: Mark D. Pfeiffer, J.

September 15, 2009

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