

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STEPHEN J. WILSON,  
APPELLANT**

**vs.**

**CATHY JO (WILSON) LILLESTON,  
APPELLANT**

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DOCKET NUMBER WD69788

DATE: JUNE 30, 2009

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Appeal from:

Jackson County Circuit Court  
The Honorable Marco A. Roldan, Judge

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Appellate Judges:

Division One: James E. Welsh, P.J., Victor C. Howard and Alok Ahuja, JJ.

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Attorneys:

Ray E. Sousley, for Appellant

Nancy A. Garris, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STEPHEN J. WILSON, APPELLANT**

**v.**

**CATHY JO (WILSON) LILLESTON, RESPONDENT**

WD69788

Jackson County, Missouri

Before Division One Judges: James E. Welsh, P.J., Victor C. Howard and Alok Ahuja, JJ.

Stephen Wilson appeals from the judgment nunc pro tunc of the trial court denying his motion to modify a qualified domestic relations order (QDRO) and correcting the original judgment and decree of dissolution of marriage of the parties. He contends that the QDRO did not conform to the dissolution decree in that it provided for valuation of his retirement account as of his retirement date rather than as of the date of dissolution hearing. The judgment of the trial court is reversed, and the case is remanded with directions.

**REVERSED AND REMANDED.**

**Division One holds:** Where the dissolution decree was final in 1996, was not appealed by either party, and was not modifiable, the trial court's judgment nunc pro tunc removing language in the decree that Wife's share of Husband's retirement benefits accrued as of June 5, 1996, because it did not reflect the parties' separation agreement did not correct a mere clerical error but inappropriately modified the decree.

Where the QDRO did not conform to the unambiguous, expressed intent of the dissolution court's decree that limited Wife's share of Husband's retirement benefits to 34.6 percent of the benefits accrued as of June 5, 1996, the case is remanded to the trial court to enter and maintain an amended QDRO consistent with the language of the decree.

**Opinion by: Victor C. Howard, Judge**

June 30, 2009

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