

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KATHRYN LYNN SABATINO, RESPONDENT,**

**v.**

**VICTOR ROBERT SABATINO, APPELLANT.**

---

DOCKET NUMBER WD70441

DATE: July 13, 2010

---

Appeal From:  
PLATTE COUNTY CIRCUIT COURT  
THE HONORABLE DANIEL M. CZAMANSKE, JUDGE

---

Appellate Judges:

Division One: Lisa White Hardwick, P.J., James M. Smart, Jr., and Mark D. Pfeiffer, JJ.

---

Attorneys:  
Ryan J. McMillin, Kansas City, MO, **for appellant.**

James D. Boggs, Kansas City, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**KATHRYN LYNN SABATINO, RESPONDENT**

v.

**VICTOR ROBERT SABATINO, APPELLANT**

WD70441

Platte County

The circuit court dissolved the marriage of Kathryn Sabatino (Wife) and Victor Sabatino (Husband) after twenty-three years of marriage. The couple had amassed significant debts, amounting to almost \$2 million, and had minimal assets. Neither was employed at the time of the dissolution. The court imputed an annual income of \$40,000 to Husband and ordered him to pay Wife \$1,500 per month in modifiable maintenance. The court awarded each party the personal property in his or her possession and ordered Husband to be responsible for all of the parties' debt. The court also awarded Wife non-modifiable maintenance in the amount of the couple's joint debt, or \$1,735,000, to be satisfied upon payment of the debt. Husband appeals. He contests the allocation of the debt, the modifiable maintenance award, and the award of non-modifiable maintenance.

**VACATED IN PART; AFFIRMED IN PART.**

**Division One holds:** The circuit court acted within its discretion in imputing income to Husband and awarding Wife \$1,500 a month in modifiable maintenance based on the relevant statutory factors and the evidence presented at trial. The court also was within its discretion in allocating all of the parties' debts to Husband. Those aspects of the judgment are affirmed. The court erred in awarding Wife non-modifiable maintenance as a means of ensuring that Husband pay the debts allocated to him. The purpose of maintenance is to provide for a party's needs; an award of non-modifiable maintenance may not be used as a means of distributing marital property or debt. The provision of the judgment awarding non-modifiable maintenance is vacated.

**Opinion by: James M. Smart, Jr., Judge**

July 13, 2010

\*\*\*\*\*

---

This summary is **UNOFFICIAL** and  
should not be quoted or cited

---