

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**THE ESTATE OF LAURA DOWN, DECEASED;  
JAMES L. RUTTER, PERSONAL REPRESENTATIVE,  
RESPONDENT**

**vs.**

**ELDON BUGG,  
APPELLANT**

**WANDA BUGG,  
APPELLANT**

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DOCKET NUMBER WD72980

DATE: MAY 10, 2011

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Appeal from:

The Circuit Court of Boone County, Missouri  
The Honorable Deborah Daniels, Judge

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Appellate Judges:

Division Three: Joseph M. Ellis, P.J., Victor C. Howard and Thomas H. Newton, JJ.

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Attorneys:

Jean S. Goldstein, for Respondent

Eldon Bugg, Appellant Pro-se

Wanda Bugg, Appellant Pro-se

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**THE ESTATE OF LAURA DOWN, DECEASED;  
JAMES L. RUTTER, PERSONAL REPRESENTATIVE, RESPONDENT**

**v.**

**ELDON BUGG, APPELLANT  
WANDA BUGG, APPELLANT**

WD72980

Boone County, Missouri

Before Division Three: Joseph M. Ellis, P.J., Victor C. Howard and Thomas H. Newton, JJ.

In 2006, the trial court entered a judgment finding that Eldon Bugg owed the Estate of Laura Downs a sum of money on a promissory note. In 2008, the trial court issued a judgment for civil contempt and ordered that Bugg be confined in jail until he satisfied the 2006 judgment. The trial court set bail at \$40,000.00, which Bugg posted. On appeal from that order, it was determined that it was unconstitutional for the court to hold Bugg in contempt for failing to comply with a judgment requiring the payment of money. Thereafter, the Estate applied for a writ of sequestration, identifying the cash bond held in the registry of the circuit court. The trial court denied Bugg's motion to quash the writ of sequestration and ordered the circuit clerk to pay the Estate \$35,248.84 from the bail money and to pay the remaining balance of the funds to Bugg. Bugg appeals.

**REVERSED AND REMANDED WITH INSTRUCTIONS TO THE CIRCUIT COURT.**

**DIVISION THREE HOLDS:**

Section 511.340 provides that sequestration of property may be used when a person fails to comply with a judgment, but only if the judgment requires the performance of any act other than the payment of money. Therefore, a writ of sequestration may not be issued merely to compel the payment of money. While the trial court did not issue a writ of sequestration directly to Bugg requiring him to pay the judgment, the trial court's judgment had the same effect as if it had done so. The trial court did not have the authority to sequester Bugg's bail as a means of enforcing the 2006 judgment requiring him to pay money to the estate. The trial court's judgment is reversed, and the case is remanded with directions to the trial court to enter a judgment quashing the writ of sequestration. In addition, the trial court shall enter a judgment ordering the Estate to return the amount of \$35,248.84 to the circuit clerk of Boone County, who shall then remit the same amount to Bugg.

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

Date: May 10, 2011

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