

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DEBORAH A. WALKER,

Respondent,

v.

JACK J. LONSINGER,

Appellant.

DOCKET NUMBER WD77805

Date: May 26, 2015

Appeal from:
Clay County Circuit Court
The Honorable David P. Chamberlain, Judge

Appellate Judges:
Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Cynthia L. Martin, Judges

Attorneys:
David B. Sexton and Gary M. Steinman, Gladstone, MO for respondent.
Robert E. Gould, Kansas City, Mo for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

DEBORAH A. WALKER

Respondent,

v.

JACK J. LONSINGER,

Appellant.

WD77805

Clay County

Before Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Cynthia L. Martin, Judges

Jack Lonsinger ("Husband") appeals from the circuit court's judgment denying his motion for contempt against his former wife, Deborah Walker ("Wife"), and granting her petition in equity to allocate, as an omitted marital debt, all of the parties' 2011 tax liability to Husband.

AFFIRMED IN PART AND REVERSED IN PART.

Division Two holds:

(1) The circuit court erred in granting Wife's petition in equity and awarding her attorney's fees because the tax liability was not an omitted debt capable of being divided in an equitable action. In the marital settlement agreement that was incorporated in the dissolution judgment, the parties expressly agreed to equally share any 2011 tax liability or refund.

(2) The circuit court did not abuse its discretion in denying Husband's motion for contempt. The court's findings clearly indicate that the court did not believe that Wife acted in a contumacious manner by refusing to pay one-half of the 2011 tax liability.

Opinion by: Lisa White Hardwick, Judge

May 26, 2015

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