

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

NEIL E. LONGAN

Appellant

v.

ANGELA G. LONGAN

Respondent

DOCKET NUMBER WD78748

DATE: May 3, 2016

Appeal From:

Circuit Court of Pettis County, MO
The Honorable Richard Paul Beard, II, Judge

Appellate Judges:

Division Two
Victor C. Howard, P.J., Thomas H. Newton, and Karen King Mitchell, JJ.

Attorneys:

Douglas Harris, Warrensburg, MO

Counsel for Appellant

Attorneys:

Robert Ravenhill, Marshall, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

NEIL E. LONGAN, Appellant, v.
ANGELA G. LONGAN, Respondent

WD78748

Pettis County

Before Division Two Judges: Howard, P.J., Newton, and Mitchell, JJ.

N. Longan and A. Longan dissolved their marriage in December 2002. During the dissolution proceedings, both parties testified that the real estate used to conduct the business of N. Longan’s partnership business was a key partnership asset. At the conclusion of the dissolution proceedings, the trial court awarded the partnership interest to N. Longan and instructed the parties to “do whatever is necessary to complete transfer of any property awarded to the other party.”

In January 2015, N. Longan filed a motion to vest title of record to the real estate used to conduct the partnership business under Rule 74.07. After a May 2015 hearing the circuit court denied the motion by judgment relying on R.S. Mo. § 516.350. N. Longan appeals.

REVERSED AND REMANDED.

Division Two holds:

In the sole point on appeal, N. Longan argues that the circuit court erred in denying his motion to vest title under Rule 74.07 because § 516.350, applies only to money judgments, which are presumed paid within ten years from the date of original rendition. We agree.

The fundamental rule of statutory construction is to determine the legislature’s intent from the plain and ordinary meaning of the language used. Here, the statute makes numerous references to the satisfaction of money judgments; nothing in the statute, either expressly or implicitly, addresses specific performance, the relief requested here. Moreover, Missouri case law consistently applies § 516.350 to issues involving a financial debt. When seeking relief for specific acts such as vesting title or delivery of possession, the appropriate recourse for recovery is Rule 74.07. N. Longan’s point is granted.

Therefore, we reverse and remand.

Opinion by Thomas H. Newton, Judge

May 3, 2016

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