

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SHARON MARY CONRAD-NEUSTADTER**

**RESPONDENT,**

**v.  
ROGER MARC NEUSTADTER**

**APPELLANT.**

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DOCKET NUMBER WD72040

DATE: May 3, 2011

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Appeal From:

Nodaway County Circuit Court  
The Honorable Roger M. Prokes, Judge

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Appellate Judges:

Division One: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Alok Ahuja, Judge

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Attorneys:

Thomas R. Summers, St. Joseph, MO, for/respondent.

Craig D. Ritchie, Jennifer L. Soper and Tiffany D. Tant-Shafer, St. Joseph, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SHARON MARY CONRAD-NEUSTADTER,**

**RESPONDENT,**

**v.**

**ROGER MARC NEUSTADTER,**

**APPELLANT.**

No. WD72040

Nodaway County

Before Division One: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Alok Ahuja, Judge

Roger Marc Neustadter ("Roger") appeals the circuit court's judgment modifying but not terminating his maintenance payments to his ex-wife Sharon Mary Conrad-Neustadter ("Sharon").

**WE AFFIRM**

In Point One, Roger argues the trial court erred in failing to terminate Sharon's award of maintenance because the court failed to consider her significant income-producing property (mutual funds) and improperly found that Sharon was incapable of supporting herself through appropriate employment. First, Roger carries the burden of proof on the issue of whether Sharon is capable of supporting herself through employment and all other issues regarding modification or termination of maintenance, in that he is the party seeking to have his maintenance obligation modified or terminated. He presented no evidence that Sharon is now able to work to provide for her reasonable needs. Further, Sharon testified that she could no longer work due to physical problems. The trial court did not err in finding Sharon incapable of supporting herself through appropriate employment. Secondly, we assume that the trial court took into account Sharon's mutual funds as Roger never made a request for specific findings of fact and conclusions of law and the trial court provided none. We cannot say that the trial court has abused its broad discretion in the amount of maintenance awarded to Sharon, given Sharon's age and considering the original maintenance agreement of the parties, which took into account her mutual funds and the great undulation in value of the investment property between the dissolution of marriage and the modification hearing. Point One is denied.

In Point Two, Roger argues the trial court erred in awarding Sharon \$1,000 per month in periodic spousal maintenance because the trial court erroneously applied the law in that the trial court failed to determine whether wife could now meet her reasonable needs. An issue, once again upon which Roger bears the burden of proof. The trial court did explicitly find that \$1,000 per month in periodic maintenance was reasonable. The trial court was not required to issue specific findings of fact as Roger did not make such a request. Therefore, Point Two is denied.

In Point Three, Roger argues the trial court erred in awarding Sharon \$1,000 per month periodic spousal maintenance because the court's order is not supported by substantial evidence and is against the weight of the evidence in that the trial court failed to determine what would be a reasonable award of maintenance under the circumstances. The trial court specifically found that \$1,000 per month periodic maintenance was reasonable and that determination was supported by the evidence. Point Three is denied.

Opinion by Gary D. Witt, Judge

May 3, 2011

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