

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

21st JUDICIAL CIRCUIT

Jeffrey Sencenbaugh,) August 12, 2015
)
)
Plaintiff,)
)
vs) 13SL-PR01882
)
) Division 7
Sharon Hartung, et al.,)
)
Respondents.)

For File Stamp Only
FILED
AUG 12 2015
JOAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY

Order

Pending before the court is Plaintiff's Petition for Accounting set forth in Count I of Plaintiff's Fourth Amended Petition. Plaintiff is an adult member of decedent Peggie A. Sencenbaugh's family and brings his request for an accounting under Section 404.727, RSMo.

Count I was called for hearing on August 10 and 11, 2015. Plaintiff appeared in person and by counsel. Defendants Sharon K. Hartung and Kenneth R. Sencenbaugh appeared in person and by counsel. Evidence adduced. Count I is partially heard and the court leaves the record open for the taking of additional evidence.

The court received into evidence Exhibit 9 which was produced by defendants as their accounting of moneys and property of Peggie A. Sencenbaugh (hereinafter "the principal") collected, gathered, stored, disbursed, or otherwise used by them while acting as attorneys in fact under the Durable Power of Attorney of Peggie A. Sencenbaugh (hereinafter "the power of attorney"). The power of attorney was executed on Oct. 3, 2009 and was terminated by order of the court in cause number 12SL-PR03116 on March 26, 2013.

The court further received into evidence Exhibit 29. The exhibit is a listing of Jeffrey Sencenbaugh's contested expenses. The first contested expense is dated March 6, 2010 and the last contested expense is dated May 29, 2013.

Upon evidence adduced the court finds that Exhibit 9 is not a complete accounting of the property of Peggie A. Sencenbaugh while defendants acted as attorneys in fact under the durable power of attorney.

Pursuant to Section 404.727, RSMo, it is hereby ordered that Sharon K. Hartung and Kenneth R. Sencenbaugh shall account for property of Peggie A. Sencenbaugh during the period in which they acted as attorney in fact under the power of attorney. The accounting shall contain a just and true account of all moneys collected by them, the date when collected, from whom collected and on what account collected, whether for property sold or otherwise. The accounting shall show where moneys collected after the sale of property owned by Peggie Sencenbaugh were deposited. If a motor vehicle of Peggie Sencenbaugh was used as a trade-in at the time of purchase of another vehicle, Sharon K. Hartung and Kenneth R. Sencenbaugh shall produce records of the sales and trade-in transaction and shall account for the use of Peggie A. Sencenbaugh's property in the transaction.

The accounting shall show the amount and date of each expenditure or distribution, and to whom and for what paid.

Sharon K. Hartung shall produce the three boxes of receipts and records kept by her prior to Feb. 11, 2012. She testified that they were left behind when she moved from her former marital residence and she further testified that her former spouse continues to live in the former marital residence. There is no evidence that the three boxes have been destroyed.

Kenneth R. Sencenbaugh shall produce records of work performed by P&S Electric at Peggie Sencenbaugh's home.

Sharon R. Hartung and Kenneth R. Sencenbaugh shall provide a list of every item of personal property owned by Peggie Sencenbaugh that is stored in Sharon K. Hartung's former marital residence, in her personal residence, and in the trailer located in rural Missouri.

Sharon K. Hartung and Kenneth R. Sencenbaugh bear the burden of proving what any lost or missing records would show. After the filing of an accounting as ordered herein, the court will take additional evidence if requested by defendants or plaintiff in the matter of Jeffrey R. Sencenbaugh's exception to or objection to the use of Peggie R. Sencenbaugh's property by Sharon K. Hartung and Kenneth R. Sencenbaugh while serving as attorneys in fact.

The selection of a date for filing of the accounting ordered herein and the selection of a date for hearing additional evidence on Count I shall be addressed at the case management conference scheduled in the above-numbered cause on Sept. 25, 2015.

SO ORDERED:



Carolyn C. Whittington
Judge

Copy to:

Terry L. Jones
13421 Manchester Road
Suite 105
St. Louis, Missouri 63131

Jesse A. Granneman
219 W. College
Troy, Missouri 63379

Taylor D. Granneman
7905 Forsyth
Clayton, Missouri 63105