

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STRCUE, INC.

RESPONDENT,

v.

**STEVEN CHRISTOPHER POTTS
AND LAWRENCE C. POTTS, JR.,
AND OPAL POTTS**

APPELLANTS.

DOCKET NUMBER WD74572

DATE: November 27, 2012

Appeal From:

Caldwell County Circuit Court
The Honorable Thomas N. Chapman, Judge

Appellate Judges:

Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin,
Judge

Attorneys:

Christina T. Coen, Lexington, MO, for respondent.

John Christiansen and Dennis J. Campbell Owens, Kansas City, MO, for appellants.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT

STRCUE, INC.,

RESPONDENT,

v.

STEVEN CHRISTOPHER POTTS
AND LAWRENCE C. POTTS, JR.,
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APPELLANTS.

No. WD74572

Caldwell County

Before Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Steven Potts, Lawrence C. Potts, Jr., and Opal Potts appeal from the trial court's declaratory judgment finding two cash farm leases, one between STRCUE, Inc. and Steven Potts, and one between STRCUE and Lawrence C. Potts, Jr., and Opal Potts, valid and in full force and effect. Appellants claim that the trial court erred in finding that the Leases were not effectively terminated by the Appellants due to an alleged breach.

Dismissed.

Division Three holds:

(1) By the time of this appeal, the Leases had naturally expired by their own terms. Appellants, who were defending STRCUE's declaratory judgment action, did not assert any claim for affirmative relief that depended on a finding that the Leases were no longer valid and enforceable as of the time of trial. As the Leases have now naturally expired, review of the trial court's declaration that the Leases were valid and enforceable as of the time of trial presents no live controversy. Thus, the issues presented by Appellants' points on appeal are moot.

(2) Appellants did not appeal the trial court's finding that Appellants had no right to contest the validity of the Leases because they had conveyed ownership of the leased property to a third party. This finding served as an independent basis for the trial court's judgment in favor of STRCUE. Appellants' failure to challenge this finding is fatal to their appeal.

Opinion by Cynthia L. Martin, Judge

November 27, 2012

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