

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

DAVID SOMMERLATH,)	No. ED100163
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	10SL-CC01738
)	
KEVIN W. VOSS AND)	Honorable Thomas J. Prebil
PAMELA VOSS,)	
)	
Appellants.)	Filed: September 9, 2014

Kevin W. Voss and Pamela Voss ("Appellants") appeal the judgment of the Circuit Court of St. Louis County, entered upon a bench trial, granting David Sommerlath ("Respondent") quiet title by adverse possession.

AFFIRMED.

Division Four holds:

- (1) The judgment was not against the weight of evidence because Respondent demonstrated every element of adverse possession by a preponderance of evidence.
- (2) Any representations that Respondent may have made during an administrative hearing in 1992, after he acquired legal title to the disputed area, are irrelevant. Therefore, Appellants' judicial estoppel claims have no merit.

Opinion by: Robert M. Clayton III, C.J.
Patricia L. Cohen, P.J. and Roy L. Richter, J., concur.

Attorney for Appellant: Gregory M. Gantz, Michael A. Gross

Attorneys for Respondent: Joseph V. Keady, Jr., Christine E. Anderson, Fritz G. Gaerber

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