



**In the Missouri Court of Appeals  
Eastern District  
DIVISION THREE**

CARDINAL PARTNERS, LLC,	)	No. ED92842
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	
DESCO INVESTMENT	)	
COMPANY, L.L.C.,	)	
	)	
Respondent.	)	Filed: January 19, 2010

Cardinal Partners, LLC, the present owner of the subject property, appeals the entry of summary judgment and corresponding reformation of a restrictive covenant in a deed by the Circuit Court of the City of St. Louis in favor of Desco Investment Company, L.L.C., the property's original owner.

**JUDGMENT REVERSED AND CAUSE REMANDED FOR TRIAL**

**DIVISION THREE HOLDS:** We conclude that in finding a mutual mistake, the trial court improperly afforded the original owner an inference that the original buyer shared the original owner's understanding and intent concerning the restrictive covenant. We also conclude that the trial court erred in finding general equitable grounds for reformation. We decline to review the trial court's denial of the present owner's summary-judgment motion.

Opinion by: Lawrence E. Mooney, J. Glenn A. Norton, P.J. & Mary K. Hoff, J., concur

Attorney for Appellant: Noel A. Sevastianos

Attorney for Respondent: Edward L. Dowd, Robert F. Epperson, Jr., and John D. Comerford

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
SHOULD NOT BE QUOTED OR CITED.**