



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

**OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT**

PATRICIA A. DOHOGNE,) ED92911
)
Plaintiff/Respondent,) Appeal from the Circuit Court
) of Cape Girardeau County
v.)
)
PAMELA J. COUNTS, MICHELLE FIKE)
and STEVE DELCAMBRE,) Honorable William L. Syler
)
Defendants/Appellants.) Filed: February 23, 2010

Pamela J. Counts, Michelle Fike, n/k/a Michelle Burgess and Steve Delcambre (Appellants) appeal from the trial court's declaratory judgment and permanent injunction entered in favor of Patricia A. Dohogne (Respondent), ordering Appellants to remove a fence erected by Appellants that prevented Respondent's lawful use by virtue of a joint easement of the driveway between the respective parties' properties.

AFFIRMED.

Division Two Holds: The trial court's declaratory judgment and permanent injunction entered in favor of Respondent, ordering Appellants to remove a fence erected by Appellants that prevented Respondent's lawful use by virtue of a joint easement by implication of the driveway between the respective parties' properties are supported by substantial evidence, sufficiently describe the legal description of the property subject to the judgment, and are not in violation of Missouri Rule of Civil Procedure 92.02, which applies to temporary restraining orders and preliminary injunctions, not a permanent injunction as was issued in the instant case.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J., and Patricia L. Cohen, J., concur.

Attorney for Appellants: Michael L. Jackson
Attorney for Respondent: Walter S. Drusch

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.