

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

BENJAMIN HIRSCH AND)	No. ED94432
JESSIE R. HIRSCH,)	
)	
Plaintiffs/Appellants,)	Appeal from the Circuit Court
)	of Franklin County
v.)	Case Number: 05AB-CC00121
)	
THOMAS EBINGER AND)	Honorable John B. Berkemeyer
RUTH EBINGER,)	
)	
Defendants/Respondents.)	FILED: March 8, 2011

Plaintiffs, Benjamin Hirsch and Jessie R. Hirsch, appeal from the judgment entered for defendants, Thomas Ebinger and Ruth Ebinger, on plaintiffs' action requesting a prescriptive easement.

AFFIRMED.

Divison Five holds: The trial court did not err in entering judgment for defendants because it could have found: (1) for the time period prior to 1988 plaintiffs failed to prove the visible element for a prescriptive easement claim, and (2) for the period after 1988 plaintiffs' use was permissive.

Opinion by: Gary M. Gaertner, Jr., P.J.
Mary K. Hoff, J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Matthew A. Schroeder

Attorney for Respondent: Daniel M. Buescher

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.