

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

LERROY F. MAUNE, et al.,	)	No. ED96177
	)	
Appellants,	)	Appeal from the Circuit Court
	)	of Franklin County
vs.	)	
	)	
HARRY LEE BESTE, et al.,	)	Hon. David B. Tobben
	)	
Respondents.	)	FILED: October 25, 2011

Leroy F. Maune and Margie A. Maune, individually, and Leroy Maune as trustee of the Leroy F. Maune revocable living trust and Margie Maune as trustee of the Margie A. Maune revocable living trust (collectively “plaintiffs”) appeal the judgment of the trial court granting a prescriptive easement in favor of Dale Beste, Harry Lee Beste, Mark Beste, Carol Williams, and Connie Terschluse (collectively “defendants”). Plaintiffs contend that the trial court erred in granting the prescriptive easement in favor of the defendants because the location and use of the easement granted were not supported by the evidence. Plaintiffs also argue that the trial court erred in finding that a prescriptive easement has existed over their property since 1946 because the dominant (“Beste Property”) and servient (“Krakow Store Property”) properties were owned by the same person for a period of time during which the easement purportedly existed.

AFFIRMED.

DIVISION ONE HOLDS:

(1) There was substantial, competent evidence to sustain the trial court’s determination that a prescriptive easement existed over the Krakow Store Property for the use of the Beste Property and its determination of the location and use of that easement.

(2) There was never complete unity of title with coextensive ownership interests of the dominant estate, the Beste Property, and of the servient estate, the Krakow Store Property. Accordingly the prescriptive easement over the Krakow Store Property did not terminate during the period that Elizabeth Beste had co-ownership interests in the dominant and servient estates.

Opinion by: Clifford H. Ahrens, P.J. Roy L. Richter, J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Frank K. Carlson

Attorney for Respondent: Jonathan L. Downard

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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