

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STERLING INVESTMENT GROUP, LLC,)	No. ED99341
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
BOARD OF MANAGERS OF THE)	Hon. Mary B. Schroeder
BRENTWOOD FOREST)	
CONDOMINIUM ASSOCIATION,)	
)	
Defendant/Appellant.)	FILED: May 21, 2013

The Board of Managers of the Brentwood Forest Condominium Association appeals the trial court’s declaratory judgment in favor of unit-owner Sterling Investment Group. In 2010, the Board invoked its compliance powers under the Association’s bylaws to enact, without a vote of owners, an amendment limiting rental units in order to satisfy federal lending regulations. In 2012, the Board enacted a similar but revised amendment superseding the earlier version. Sterling challenged the Board’s authority to enact the revised amendment and sought enforcement of the 2010 version. The Board moved for dismissal for Sterling’s failure to join the other condo owners as necessary parties. The trial court denied the Board’s motion, declared the 2012 amendment invalid, and ordered enforcement of the 2010 amendment.

REVERSED. JUDGMENT ENTERED FOR APPELLANT UNDER RULE 84.14.

DIVISION ONE HOLDS: (1) The trial court did not err in denying the Board’s motion to dismiss for failure to join the other owners. They were not necessary parties to Sterling’s action, which simply sought to interpret and enforce the Association’s bylaws as a matter of proper procedure. The trial court can grant such relief in the absence of the other owners; disposition in their absence will not impair or impede their ability to protect their own interest in enforcing the bylaws, nor will it leave Sterling or the Board subject to a risk of multiple or inconsistent obligations. Rule 52.04. (2) The trial court erred in declaring the 2012 amendment invalid. Under section 24.5 of the Association’s bylaws, the Board has broad authority to handle regulatory compliance matters having federal lending implications, and the 2012 amendment was a valid exercise of that authority. Invoking Rule 84.14, we reverse and vacate the trial court’s judgment and enter judgment in favor of the Board. The 2012 amendment shall be enforced in accordance with its terms.

Opinion by: Clifford H. Ahrens, Presiding Judge Sherri B. Sullivan, J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Kenneth B. Newman and Teresa Young

Attorney for Respondent: Sheila Greenbaum

**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.**