

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MINDY L. SCHLER and CINDY L. SCHLER,
RESPONDENT**

vs.

**COVES NORTH HOMES ASSOCIATION,
APPELLANT**

DOCKET NUMBER WD75983

DATE: APRIL 8, 2014

Appeal from:

The Circuit Court of Platte County, Missouri
The Honorable Abe Shafer, IV, Judge

Appellate Judges:

Division Three: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard , Judge and Zel Fischer, Special Judge

Attorneys:

Gary M. Steinman, for Respondents

Lyle L. Odo, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MINDY L. SCHLER and CINDY L. SCHLER, RESPONDENTS

v.

COVES NORTH HOMES ASSOCIATION, APPELLANT

WD75983

Platte County, Missouri

Before Division Three: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Thomas H. Newton, Judge

Coves North Homes Association, Inc. (Association) appeals the trial court's judgment in favor of Mindy and Cindy Schler after a trial de novo on the Schlers' claim against the Association for breach of covenant for failing to repair the patio, porch, and steps on the exterior of their townhouse. It contends that the trial court erred in entering judgment in favor of the Schlers because the Declaration of Covenants contained no provision requiring it to maintain or repair their patio, porch, and steps. The judgment is reversed.

REVERSED.

Division Three Holds:

The trial court erred in ruling that the Association has a duty under the Declaration to maintain and repair the Schlers' patio, porch, and steps. The Declaration limits the Association's obligation to provide exterior maintenance to townhouses to "paint, repair, replace and care for roofs, gutters, downspouts and exterior building surfaces including the pointing of brick," and a patio, porch, and steps are not roofs, gutters, downspouts or exterior building surfaces under the plain and ordinary meaning of those terms.

Opinion by: Victor C. Howard, Judge

Date: April 8, 2014

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