

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**RELAXATION, INC.**

**v.  
RIS, INC.**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD76792

DATE: January 20, 2015

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Appeal From:

Miller County Circuit Court  
The Honorable William R. Hass, Judge

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Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

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Attorneys:

Matthew Phillip Hamner, Camdenton, MO, for respondent.

Melissa A. Hoag Sherman, Overland Park, KS, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**RELAXATION, INC.,**

**RESPONDENT,**

**v.  
RIS, INC.,**

**APPELLANT.**

No. WD76792

Miller County

Before Division Three: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

This action arises from a dispute over property rights in a parking lot easement that is shared between Appellant RIS, Inc. ("RIS"), and Respondent Relaxation, Inc. ("Relaxation"). RIS appeals from a Judgment and Third Order of Contempt in the Circuit Court of Miller County. In its four points on appeal, RIS argues that the trial court erred in entering Judgment and Third Order of Contempt because 1) the court lacked authority to grant the underlying temporary restraining order and preliminary injunction from which the contempt action arose because the claimed property rights are subject to condemnation, 2) the judgment and order of contempt did not take into account all relevant facts, 3) the preliminary injunction was invalid, 4) the fine was imposed erroneously.

**DISMISSED**

Division Three holds:

A notice of appeal must be filed within ten days of a judgment or order appealed from becoming final. If a notice of appeal is untimely, an appellate court lacks jurisdiction and must dismiss. Here, RIS did not timely file its notice of appeal. We therefore are without jurisdiction and must dismiss the appeal.

Opinion by Gary D. Witt, Judge

January 20, 2015

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