

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

DENNIS FASTNACHT AND JONI FASTNACHT, ET AL.,

Appellants

v.

TENG GE, ET AL.,

Respondents

DOCKET NUMBER WD78705

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: April 12, 2016

Appeal From:

Circuit Court of Cass County, MO
The Honorable J. Michael Rumley, Judge

Appellate Judges:

Division Three
James Edward Welsh, P.J., Thomas H. Newton, and Anthony Rex Gabbert, JJ.

Attorneys:

Gerard Eftink, Raymore, MO

Counsel for Appellants

Attorneys:

Bradley Anderson, St. Louis, MO
Thomas Franklin, Leawood, KS
Steven Hennelly, Leawood, KS

Counsel for Respondent, Citimortgage, Inc.
Counsel for Respondent, Teng GE
Co-Counsel for Respondent, Teng Ge

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DENNIS FASTNACHT AND JONI FASTNACHT, ET AL.,
Appellants, v. TENG GE, ET AL., Respondents**

WD78705

Cass County

Before Division Three Judges: Welsh, P.J., Newton, and Gabbert, JJ.

Dennis and Joni Fastnacht appeal the circuit court's judgment ordering reformation of the legal descriptions in four deeds of trust that they signed as grantors in a refinance transaction and reformation of the legal descriptions in subsequent deeds whereby CitiMortgage sold three of the same properties to Teng Ge and his wife, Yahtzen Gu, because the deeds of trust mistakenly omitted the surrounding areas from the legal descriptions of the properties.

Affirmed.

Division Three holds:

The circuit court did not err in granting reformation of the legal descriptions in the deeds. Substantial evidence supported the circuit court's determination that the parties seeking reformation established by clear, cogent, and convincing evidence the existence of (1) a preexisting agreement for the deeds of trust to encumber the entire properties and (2) a mutual mistake in omitting the surrounding areas from the legal descriptions. The circuit court's judgment was supported by substantial evidence, was not against the weight of the evidence, and did not erroneously declare or apply the law.

Opinion by James Edward Welsh, Presiding Judge

April 12, 2016

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