OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

NORTHERN DIVISION

CHARLA ANN BROUGHTON, ET AL.,	)	No. ED108125
	)	
Appellants,	)	
	)	Appeal from the Circuit Court of
	)	Shelby County
vs.	)	Cause No. 16SB-CC00007
	)	
ESTATE OF ANNA LOIS TYNER, ET AL.,	)	Honorable Frederick P. Tucker
	)	
Respondents.	)	Filed: April 21, 2020

Charla Ann Broughton, Theresa Marchelle Schultz, and Cecile Yvonne Gregory (collectively, "Appellants") appeal the trial court's grant of summary judgment in favor of Dennis Lynn Tyner ("Dennis"), Earl Claude Tyner, and the Estate of Anna Lois Tyner (collectively, "Respondents") on Appellants' claim contesting the will of Anna Lois Tyner ("Testatrix") (the parties' mother) on the grounds that Dennis allegedly exerted undue influence over Testatrix in her execution of that will. Appellants raise two points on appeal. In their first point, Appellants argue that the trial court erred in granting summary judgment in favor of Respondents because "the trial court made multiple factual determinations and inferences in favor of the moving party in that Missouri Law provides that all inferences and factual determinations must be made in favor of the non-moving party…." Appellants further contend that there were genuine issues of material fact in dispute such that the trial court should not have granted summary judgment in Respondents' favor. And in their second point, Appellants assert that the trial court erred in granting summary judgment in Respondents' favor because the court incorrectly considered evidence from outside the summary judgment record. Specifically, Appellants contend that the trial court erroneously considered the deposition of a doctor who completed a post-mortem report of Testatrix; the post-mortem report was part of the summary judgment record.

REVERSED AND REMANDED.

Northern Division Holds: We find that there were genuine issues of material fact in dispute and that Respondents were not entitled to judgment as a matter of law on Appellants' claim contesting Testatrix's will on the grounds that Dennis exerted undue influence over Testatrix. We therefore reverse the trial court's grant of summary judgment in Respondents' favor on Appellants' Count I and remand for proceedings consistent with our opinion.

Opinion by: Colleen Dolan, C.J.

Gary M. Gaertner, Jr., J., and Philip M. Hess, J., concur.

Attorney for Appellants: John W. Russell

Attorney for Respondents: Neil F. Maune, Jr.

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.