OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

SHARON DASH, ANGELA SIMMONS AND BILL BLACKSHER, AS TRUSTEES OF RIVERWOOD ESTATES HOMEOWNERS ASSOCIATION,	)	No. ED108330
Respondents,	)	Appeal from the Circuit Court of the County of St. Louis
v.	)	18SL-CC03860
MARK BARNABY,	)	Honorable Joseph S. Dueker
Appellant.	)	Filed: June 23, 2020

Mark Barnaby ("Appellant") appeals the judgment entered in favor of Sharon Dash, Angela Simmons and Bill Blacksher, as trustees of the Riverwood Estates Homeowners Association ("Association").

AFFIRM.

Division Two Holds: The trial court did not err in issuing an injunction against Appellant, enjoining and restraining him from both storing his trash receptacles in the open on his lot, except on designated trash pick-up days as well as from parking any commercial van with signage on his lot between designated hours. The Riverwood Estates Declaration of Residential Covenants and Restrictions ("Covenants") prescribes that the owner of a lot is liable for reasonable attorney fees and costs in any legal action filled by the Association against the owner or if the Association retains legal counsel in order to enforce the Covenants. Thus, the trial court did not err in awarding the Association $7,341.03 in attorney fees and court costs. We, therefore, also grant the Association's motion for attorney fees on appeal in the amount of $4,175.00.

Opinion by: Lisa P. Page, J.

Philip M. Hess, P.J. and Kurt S. Odenwald, J., concur.

Attorney for Appellant: James A. Beckemeier

Attorney for Respondent: Timothy J. Phillips

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.