MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STACEY MCELVAIN,
RESPONDENT

vs.

JASON STOKES, ET AL.,
APPELLANTS

DOCKET NUMBER WD83737

DATE: APRIL 20, 2021

Appeal from:

The Circuit Court of Clay County, Missouri
The Honorable Janet L. Sutton, Judge

Appellate Judges:

Division Three: Thomas H. Newton, Presiding Judge, Gary D. Witt, Judge and W. Douglas Thomson, Judge

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Attorneys:

Landon W. Magnusson, for Respondent

Joseph A. Gagnon, for Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STACEY MCELVAIN, RESPONDENT,
v.
JASON STOKES, ET AL., APPELLANTS.

WD83737 Clay County

Before Division Three Judges: Thomas H. Newton, Presiding Judge, Gary D. Witt, Judge, and W. Douglas Thomson, Judge

Jason and Theresa Stokes (collectively, "the Stokes") appeal from the trial court's judgment in favor of Stacey McElvain ("McElvain") on her claim of adverse possession of real property. On appeal, the Stokes claim the trial court erred in holding that McElvain proved the actual and hostile elements of adverse possession. The Stokes claim that the trial court's findings as to both elements of adverse possession are not supported by substantial evidence.

AFFIRMED.

Division Three holds:

A not-supported-by-substantial-evidence challenge has a distinct analytical framework where the Stokes must: (1) identify a challenged factual proposition necessary to sustain the judgment; (2) identify all of the favorable evidence supporting that position; and (3) demonstrate why that supporting evidence, when considered with the reasonable inferences drawn therefrom, is so lacking in probative value that the trier of fact could not reasonably believe the proposition. The Stokes' argument for each point does not attempt to follow or even acknowledge this mandatory three-step framework. The Stokes' failure to follow the applicable framework means the appellant's argument is analytically useless and provides no support for their challenge.

Even in the absence of the analytical defects, the Stokes' points would fail. The trial court, as fact-finder, found that McElvain established that she intentionally possessed, occupied, and maintained the disputed property to the exclusion of others. The trial court's findings are supported by substantial evidence.

Opinion by: W. Douglas Thomson, Judge Date: April 20, 2021

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