MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GARY COLEMAN

APPELLANT,

v.

HEATH HARTMAN, ET AL.

RESPONDENTS.

DOCKET NUMBER WD83925

DATE: May 25, 2021

Appeal From:

Buchanan County Circuit Court
The Honorable Daniel F. Kellogg, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge and W. Douglas Thomson, Judge

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Attorneys:

Jennifer M. Snider, Platte City, MO, for appellant.

Mark A. Campbell, Cameron, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GARY COLEMAN, APPELLANT,
v.
HEATH HARTMAN, ET AL., RESPONDENTS.

WD83925 Buchanan County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

Gary Coleman appeals from the trial court's judgment awarding title to 0.35 acres of Coleman's property to Heath Hartman and Kellie Hartman. Coleman asserts that the trial court committed error because the evidence did not support the Hartmans' claim of boundary by acquiescence or the Hartmans' claim of adverse possession.

AFFIRMED.

Division Four holds:

The Hartmans presented substantial evidence at trial to demonstrate that their possession of the 0.35-acre disputed tract was actual, open and notorious, and exclusive, the elements of adverse possession that Coleman challenged on appeal. As such, the trial court's determination that the Hartmans acquired title to the disputed tract by adverse possession was supported by substantial evidence, and it is not necessary to address whether the trial court correctly found in the alternative that the north-south fence line was the boundary between the Hartmans' and Coleman's properties by acquiescence.

Opinion by: Cynthia L. Martin, Judge May 25, 2021

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