In the Missouri Court of Appeals
Eastern District

DIVISION THREE

CHRISTOPHER L. SHREVES, AS TRUSTEE OF THE CHRISTOPHER L. SHREVES REVOCABLE TRUST DATED MARCH 19, 2015, AND AS CO-TRUSTEE OF THE MILDRED M. SHREVES REVOCABLE TRUST DATED MARCH 19, 2015, AND MILDRED M. SHREVES, AS TRUSTEE OF THE MILDRED M. SHREVES REVOCABLE TRUST DATED MARCH 19, 2015 AND AS CO-TRUSTEE OF THE CHRISTOPHER L. SHREVES REVOCABLE TRUST DATED MARCH 19, 2015,	)	No. ED108994
Respondents,	)	Appeal from the Circuit Court of St. Charles County
vs.	)	1711-CC00233
UNKNOWN HEIRS OF SADIE B. McCLUER, DECEASED, AND UNKNOWN HEIRS OF DAVID K. PITMAN AND SPOUSE, DEFENDANTS AND JSAC HOLDINGS, LLC,	)	Honorable Daniel G. Pelikan
Appellant.	)	Filed: August 10, 2021

Angela T. Quigless, P.J., Kurt S. Odenwald, J., and James M. Dowd, J.

Opinion

This appeal stems from the dueling interests of neighboring St. Charles County landowners, Christopher L. Shreves, as Trustee of the Christopher L. Shreves Revocable Trust

Dated March 19, 2015, et al. ("the Shreves"), and JSAC Holdings, LLC ("JSAC"). The dispute centers on a five-foot by approximately two-hundred-sixty-foot strip of land ("the five-foot strip") running between the parties' properties which consists of approximately 1,325 square feet and is legally described as:

> Beginning at the Northwest corner of Lot numbered one in Block number four in the Pitman Addition to the Town of Cottleville in the County and State aforesaid, thence with the West line of said lot number one and lot number two in said Block number four, one hundred and twenty feet by forty feet wide at right angles with said line, and;
>
> Commencing at a stake on line of land formerly owned by Michael Henning and running S. 74o 30' W. 284 feet to old line of Survey No. 303 and with said line S. 42o 30' W. to intersection on line of land formerly owned by John C. Edwards, in Dardenne Creek, and then with said line north 74o 30' East 560 feet to a corner of Pitman's School grant on said line and from said corner and stake to the stake on said M. Henning's line at commencement North 15o 30' W. 180 feet, containing one acre and three quarters, more or less.

On September 10, 2019, the Shreves' second amended petition to quiet title and JSAC's first amended counterclaim to quiet title were tried to the court.[1] Each party presented evidence supporting its claim of ownership over the property. The Shreves argued adverse possession and JSAC both adverse possession and some color of title derived from a quitclaim deed executed by its predecessor in interest. On February 3, 2020, the court issued its findings of fact, conclusions of law, and judgment in favor of JSAC as to the Shreves' petition and in favor of Shreves as to JSAC's counterclaim, meaning that the judgment failed to quiet title over the five-foot strip in either party.

Discussion

"Missouri law ... recognizes that courts must act in equity to clear a cloud upon a title to real estate that is not apparent on the face of the document." *In re O'Sullivan*, 914 F.3d 1162,

[1] All other defendants had been previously found to be in default and both parties dismissed all other claims against one another other than their respective quiet title actions.

1167 (8th Cir. 2019). "A quiet title action is not designed to adjudicate the plaintiff's title as superior to the whole world, but only as compared to the other parties, traced back to their agreed common source." *Kroner Invs., LLC v. Dann*, 583 S.W.3d 126, 129 (Mo. App. E.D. 2019).

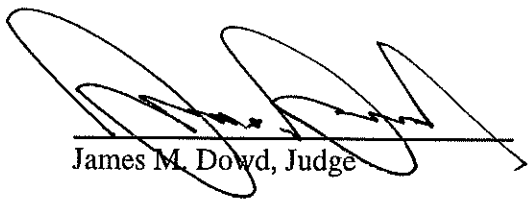
This Court has a duty to determine its jurisdiction *sua sponte* and we have no jurisdiction to rule on an appeal unless the appeal is from a final judgment. *Patterson v. Harrison*, 46 S.W.3d 580, 582 (Mo. App. S.D. 2001). "A final and appealable judgment is one that disposes of all the issues and all the parties involved." *Id.* (quoting *Main St. Feeds, Inc. v. Hall*, 944 S.W.2d 328, 329–30 (Mo. App. S.D. 1997)).

"It is well established that in a quiet title action all persons properly made parties are entitled to have their respective titles affirmatively adjudged and declared." *Main St. Feeds, Inc.*, 944 S.W.2d at 329–30 (quoting *Village of Climax Springs v. Camp*, 681 S.W.2d 529, 534 (Mo. App. S.D. 1984)). "A quiet title judgment which fails to adjudicate title to all the property involved in the action is not a final judgment." *Id.*

The judgment in this case fails to quiet title to the five-foot strip as between the Shreves and JSAC, the two remaining parties properly before the court. Consequently, there is no final judgment in this case and we therefore lack jurisdiction over this appeal.

Conclusion

The appeal is dismissed and the matter remanded to the trial court to adjudicate the parties' respective interests in the five-foot strip.



James M. Dowd, Judge

Angela T. Quigless, P.J., and
Kurt S. Odenwald, J., concur.