OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

IDA CATHERINE ADAMS, f/k/a Ida Catherine Watring,	)	No. ED111617
Appellant,	)	Appeal from the Circuit Court of Franklin County
v.	)	Cause No. 22AB-AC02007
DIANE WARE, et al.,	)	Honorable Matthew W. Houston
Respondents.	)	Filed: January 30, 2024

Ida Catherine Adams, f/k/a Ida Catherine Watring (Adams) appeals from the judgment of the trial court, denying her petition for unlawful detainer filed against Diane Ware (Ware), Bill Dixon, and Matthew Ware (collectively, Respondents) on the basis that Adams' petition was barred under the three-year statute of limitations in Section 534.300, RSMo. cum supp. 2022, because Respondents had maintained uninterrupted occupancy of the property for more than three years without a landlord-tenant relationship between Adams and Ware.

REVERSED AND REMANDED.

Division Three Holds: The trial court here did not err in finding that there was no landlord-tenant relationship between Adams and Ware, and that the relevant class of unlawful detainer was the wrongful possessor class. However, the trial court erred in finding that Adams' petition for unlawful detainer on the basis of wrongful possession was barred by Section 534.300, because the statute does not begin to run in the context of wrongful possession until the person with the legal right to possession gives a written demand for the current resident to turn over possession, and Adams brought her action well within three years of giving Respondents a written demand to vacate.

Opinion by: Gary M. Gaertner, Jr., J.,
Lisa P. Page, P. J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Kurt A. Voss
Attorney for Respondent: David L. Baylard

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.