OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

LOUIS KLINGERT, Appellant, v. FRED LEE, NANCY LEE, et al., Respondents.	))))))))	ED113803 Filed: July 21, 2026

Appeal from the Circuit Court of Franklin County
The Honorable Ryan J. Helfrich, Judge

Louis Klingert (Klingert) appeals the judgment of the trial court in favor of Fred and Nancy Lee following a bench trial on Klingert's petition for a prescriptive easement, which the trial court denied because Klingert testified he believed the passage at issue was a public right of way.

REVERSED AND REMANDED.

DIVISION ONE HOLDS:
While a belief that a road is a public road can undermine a claimant's ability to show the element of adverse use for a prescriptive easement, the character of the claimant's use as compared to the rest of the general public is central to the determination of adverse use. Klingert provided evidence that his use of the disputed passage for his business was unique, and the trial court did not consider this evidence in its determination of whether such use was adverse. Further, Klingert's alternative argument that the trial court should have granted an easement in favor of the public is without merit, given that Klingert did not include a claim for such an easement in his petition.

Opinion by: Gary M. Gaertner, Jr., Judge
Rebeca Navarro-McKelvey, Presiding Judge; James M. Dowd, Judge, concur.

Attorney for Appellant: Louis Klingert, pro se

Attorneys for Respondents: David L. Baylard, Ryan Bertels

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.