

# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

### WRIT DIVISION SIX

STATE OF MISSOURI, ex rel.,	)	No. ED101151
SHARON WATSON, et al.,	)	
	)	Circuit Court of St. Louis County
Relator,	)	Cause No. 07SL-CC01335
	)	
v.	)	
	)	Writ of Prohibition
THE HONORABLE THEA SHERRY,	)	
Circuit Judge, 21 <sup>st</sup> Circuit,	)	
	)	
Respondent.	)	Filed: July 8, 2014

Relators, Sharon A. Watson, ("Sharon Watson"), Clinton L. Watson ("Clinton Watson"), Diarra K. Morris ("Morris"), as Personal Representative for the Estate of the deceased Juanita Watson, and Jelani Aitch ("Aitch") (collectively, "Relators") filed a Petition for Writ of Prohibition with this Court, seeking to prohibit the enforcement of an Order on Writ of Possession of February 26, 2014, by Circuit Judge Thea A. Sherry ("Respondent") in the underlying lawsuit pending in the Circuit Court of St. Louis County, Case No. 07SL-CC01335, City of Richmond Heights, Missouri v. Clinton L. Watson, et al., ("Lawsuit"). The Order on Writ of Possession ordered possession of the property at 1705 Berkeley Avenue, Richmond Heights, to be delivered on March 5, 2014, to the City of Richmond Heights ("the City"), based on an Order of Condemnation entered on March 19, 2008. We previously issued a Preliminary Order in Prohibition on March 4, 2014.

#### PRELIMINARY ORDER IN PROHIBITION MADE PERMANENT.

WRIT DIVISION VI HOLDS: Respondent lacked the statutory authority to act pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, Revised Statutes of Missouri, whereby Section 99.810.1(3) precluded Respondent from allowing the City to acquire property by condemnation more than five years after the adoption of the ordinance approving the redevelopment. See St. Louis County v. Berck, 322 S.W.3d 622 (Mo. App. E.D. 2010). Because the time period had expired whereby the City could acquire the Property for condemnation pursuant to the TIF Act, and because Relators will otherwise suffer irreparable harm, Relator's Writ of Prohibition is granted. Respondent's order on Writ of Possession is void; Respondent is prohibited from entering any order other than dismissing the condemnation. Interest requested by Relators is denied.

Opinion by: Roy L. Richter, P.J.  
Kurt S. Odenwald, J., and Robert M. Clayton III, J. concur.

Attorney for Relators: Dorothy L. White-Coleman, Susie M. McFarland

Attorney for Respondent: Kelley F. Farrell, Chantal S. Fink, Kenneth J. Heinz

**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**