

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

EDWIN J. FORBUSH, Respondent/	)	No. ED101290
Cross-Appellant,	)	
	)	Appeal from the Circuit Court
vs.	)	of St. Louis County
	)	
STEPHEN S. ADAMS, III, AS TRUSTEE	)	Hon. Steven H. Goldman
OF THE STEPHEN S. ADAMS, III	)	
REVOCABLE TRUST U/T/A DATED	)	
OCTOBER 9, 2001, Appellant/Cross-	)	Filed:
Respondent.	)	November 25, 2014

Stephen S. Adams, III, as Trustee of the Stephen S. Adams, III Revocable Trust (“Adams”), appeals from the trial court’s grant of summary judgment. Edwin Forbush (“Forbush”) cross-appeals.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

Division Three holds: The trial court did not err in determining that the terms and conditions unrelated to the price were outside the scope of the Texas Shootout Provision and that part of the judgment is affirmed. The trial court also did not err in holding that Adams’s purported acceptance of Forbush’s stock purchase offer was of no force and effect and that part of the judgment is affirmed. The trial court did err in failing to declare the approval of Harley Davidson was an extraneous condition outside the scope of the Texas Shootout Provision and that part of the judgment is reversed and remanded for such a declaration to be entered. Lastly, we also remand to the trial court for a determination as to the proper amount of Adams’s costs and expenses including reasonable attorneys’ fees.

Opinion by: Robert G. Dowd, Jr., J  
Kurt S. Odenwald, P.J. and Lawrence E. Mooney, J., concur.

Attorney for Appellant: James P. Bick, Jr.

Attorney for Respondent: Douglas S. Dove

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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