

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

CLIFFORD HINDMAN REAL ESTATE, INC.,	)	
	)	No. ED91472
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Louis County
v.	)	Cause No. 06CC-002248
	)	Honorable Brenda Stith Loftin
CITY OF JENNINGS,	)	
	)	
Respondent.	)	Filed: March 10, 2009

Appellant Clifford Hindman Real Estate appeals the denial of its request for declaratory judgment after the trial court found Appellant had no standing to challenge the validity of a local ordinance because the controversy was not ripe. The trial court further found that the ordinance was valid in any event.

REVERSED AND REMANDED WITH INSTRUCTIONS.

Division Five Holds: The facts were sufficiently developed and the controversy sufficiently concrete to allow the court to rule. Additionally, because the trial court ruled on the merits after finding no standing, we review this determination as well and hold the ordinance invalid because the city exceeded its authority in enacting it.

Opinion by: Kenneth M. Romines, J. Nannette A. Baker, C.J. and Patricia L. Cohen, J. concur.

Attorney for Appellant: Stephen C. Murphy, Michael J. Hart

Attorney for Respondent: Jamis Kresyman

**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.**