

MISSOURI COURT OF APPEALS
EASTERN DISTRICT

JENNIFER KNOX, et al.,)	No. ED92186
)	
Plaintiffs/Respondents,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	
THOMAS A. MORRIS,)	Hon. Matthew E. P. Thornhill
)	
Defendant/Appellant.)	FILED: September 1, 2009

Thomas Morris appeals from the judgment of the trial court that quieted title to a 0.74 acre parcel of real property (“Property”) on Lehman’s Island in St. Charles County, Missouri in favor of Jennifer Knox and Chris Kohlmeyer.

REVERSED AND REMANDED.

DIVISION FIVE HOLDS:

1. The pleadings were amended to conform to the evidence to include Knox and Kohlmeyer’s claims to the Property based on adverse possession.
2. The trial court misstated and misapplied the law concerning adverse possession. A party claiming title by adverse possession must prove that he or she possessed the land, and that the possession was: (1) hostile; (2) actual; (3) open and notorious; (4) exclusive; and (5) continuous for ten years prior to filing the action to perfect title by adverse possession.

Opinion by: Clifford H. Ahrens, J. Kenneth M. Romines, C.J. and Roy L. Richter, J., concur.

Attorney for Appellant: Ronald D. Kwentus, Jr.

Attorney for Respondent: Daniel J. Goldberg

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.
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