

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE MATTER OF:) No. ED93195
)
ALPHONSE FORBECK,)
)
Respondent.) Appeal from the Circuit Court
) of Lincoln County
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)
)
) Honorable T. Bennett Burkemper, Jr.
)
)
) Filed: May 18, 2010

Joann Mulkey, David S. Purcell, and Purcell & Amen, L.L.C., (Appellants) appeal from the judgment entered by the probate court approving the dismissal by James L. Forbeck and Joseph A. Schneider (Petitioners) of their “Petition for Appointment of Guardian and Conservator for Forbeck” (Petition).

DISMISSED.

Northern Division Holds: 1) Appellant retains right to voluntarily dismiss his appeal anytime prior to submission of the cause; and 2) the probate court’s judgment approving Petitioners’ voluntary dismissal of their Petition was not a final appealable judgment; accordingly, this Court lacks the authority to address the merits of these consolidated appeals.

Opinion by: Gary M. Gaertner, Jr., J.
Roy L. Richter, P. J., and Mary K. Hoff, J., concur.

Attorney for Appellants: Edwin D. Akers, Jr., Kathie Blackman Dudley, David S. Purcell,
John M. Challis, Paul M. Ganter, and Robert J. Selsor
Attorney for Respondents: Malaine P. Hagemeyer

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