

OPINION SUMMARY

MISSOURI COURT OF APPEALS – EASTERN DISTRICT

DIVISION THREE

LAURENCE EPSTEIN and FRANK L. ROOT,)	No. ED93467
Individually and as Representatives of a Class of)	
The Owners of Certain Condominiums Within)	
VILLA DORADO CONDOMINIUMS,)	Appeal from the Circuit Court
)	of St. Louis County
Respondents,)	08SL-CC04051
)	
vs.)	Honorable Tom DePriest, Jr.
)	
VILLA DORADO CONDOMINIUM)	
ASSOCIATION, INC.,)	
)	
Appellant.)	FILED: May 4, 2010

Villa Dorado Condominium Association, Inc. (Association) appeals from the trial court’s judgment, following a bench trial on stipulated facts, in favor of Laurence Epstein and Frank L. Root (collectively referred to as Owners) in their action for declaratory judgment and injunctive relief. On appeal, Association argues the trial court erred in (1) granting judgment in favor of Owners and holding that the cost of elevator repairs must be assessed exclusively against those units in buildings that have elevators, rather than to all units in Villa Dorado Condominium (Condominium) as provided in Section 448.080, RSMo 2000,¹ of the Missouri Condominium Property Act (MCPA) and Section 448.3-115 of the Missouri Uniform Condominium Act (MUCA) and the recorded governing documents of Association; (2) granting judgment in favor of Owners as class representatives; and (3) awarding Owners attorney’s fees.

REVERSED AND REMANDED.

Division III holds: Finding the trial court lacked jurisdiction to enter judgment in favor of Owners on behalf of all the owners of units not served by elevators when the trial court did not certify such as a class, we reverse and remand for proceedings consistent with this opinion.

Opinion by: Mary K. Hoff, Judge
 Glenn A. Norton, Presiding Judge and Lawrence E. Mooney, Judge, concur.

Attorney for Appellant:	Ira Michael Berkowitz
Attorney for Respondent:	Steven W. Koslovsky

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.

¹ Unless otherwise indicated, all further statutory references are to RSMo 2000.