

**OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT**

KARL SHELLABARGER,) ED93618
)
Plaintiff/Appellant,) Appeal from the Circuit Court
) of Audrain County
v.)
)
GENE AND EUGENIA SHELLABARGER,) Honorable Keith M. Sutherland
individually and as TRUSTEES OF THE)
GENE L. SHELLABARGER and EUGENIA)
L. SHELLABARGER TRUST,)
)
Defendants/Respondents.) Filed: April 27, 2010

Karl Shellabarger (Appellant) appeals from the trial court's partial summary judgment entered in favor of Gene and Eugenia Shellabarger, individually and as trustees of the Gene L. Shellabarger and Eugenia L. Shellabarger Trust (Respondents), on Counts I, II, III and IV of Appellant's petition.

REVERSED and REMANDED.

Division Two Holds: Respondents are not entitled to judgment as a matter of law on Counts I-IV of Appellant's petition based on their asserted affirmative defenses of the statute of frauds, the statute of limitations, and laches.

Opinion by: Sherri B. Sullivan, J.
Kathianne Knaup Crane, P.J., and Robert G. Dowd, Jr., J., concur.

Attorney for Appellant: Ann P. Hagan and Joe E. Maxwell
Attorneys for Respondents: Edward C. Clausen and Brittany A. Barrientos

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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