

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

WILLIAM R. WEBER, JOHN C. HANNEGAN, and HMW LEASING COMPANY, a Missouri General Partnership,) No. ED93652)))
Plaintiffs/Respondents,) Appeal from the Circuit Court of) St. Charles County
v.))
JANE R. MOERSCHEL, Personal Representative of the Estate of ROLLIN J. MOERSCHEL, Deceased,) Honorable Ronald R. McKenzie)))
Defendant/Appellant.) Filed: June ____, 2010

Jane Moerschel, Personal Representative of the Estate of Rollin J. Moerschel, Deceased (Appellant), appeals from the trial court’s judgment on the Amended Claim Relating to the Estate of Rollin J. Moerschel, Deceased, Against the Personal Representative Jane R. Moerschel, filed by William R. Weber, John C. Hannegan and HMW Leasing Company, a Missouri General Partnership (HMW), requesting a declaration of rights and accounting concerning the partnership interest of Rollin J. Moerschel as agreed to by the parties in the Restated Partnership Agreement (partnership agreement) dated June 1, 1987; and on Appellant’s Verified Petition for Discovery of Assets and Motion for Authority to Continue Business.

REVERSED and REMANDED.

Division Two Holds: When determining the contractual buyout amount of Appellant’s twenty percent partnership interest in HMW’s real property asset, the trial court erred in deducting \$225,000.00 from the \$1,225,000.00 real estate appraisal of the property because the clear terms of the fully-integrated partnership agreement do not provide for a court-ordered reduction in the appraised value.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J., and Patricia L. Cohen, J., concur.

Attorneys for Appellant: Jayson B. Lenox, John Maxwell, and Scott Simpson
Attorney for Respondents: Daniel K. Barklage

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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