

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION FOUR

JOYCE STABLER, Appellant,	)	No. ED94411
	)	Appeal from the Circuit Court of
v.	)	St. Louis County
	)	Hon. John Andrew Ross
JOSEPH STABLER and	)	
JANELL STABLER, Respondents.	)	FILED: November 30, 2010

#### OPINION SUMMARY

Joyce Stabler (“Appellant”) appeals from the judgment of the Circuit Court of St. Louis County dismissing her Second Amended Petition (“Petition”) against Joseph Stabler and Janell Stabler (collectively “Respondents”) for lack of standing. On appeal, Appellant claims the trial court erred by considering matters that were not part of the pleadings in dismissing the Petition and the trial court erred in finding she lacked standing to assert claims against Respondents. We affirm in part and reverse and remand in part.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART

DIVISION FOUR HOLDS: (1) There is no evidence to support a finding that the trial judge improperly considered evidence outside the pleadings; (2) The Petition does not indicate that Appellant would be unable to prove any set of facts that would make her a beneficiary to the Trust, and (3) The petition fails to state a claim against Respondents in their capacity as personal representatives of the estate of Ernest Stabler.

Opinion by: Nannette A. Baker, J.

Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur

Attorney for Appellant: James Leightner

Attorney for Respondent: Matthew Rossiter Kathie Dudley Andrew Callahan

<p><b>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</b></p>
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