

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

WILLIAM SCOTT REYNER, et al.,)	No. ED94788
)	
Appellants,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
RAINEY J. CRAWFORD, JR.,)	Hon. Calea Stovall-Reid
)	
Respondent.)	FILED: March 1, 2011

William Reyner and the McPherson Condominium Association (collectively “Appellants”) appeal from the judgment of the trial court in favor of Rainey Crawford, Jr. (“Crawford”) on all counts of their second amended petition.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

DIVISION THREE HOLDS: (1) The trial court did not err in entering judgment in favor of Crawford on Appellants’ claim for condominium assessments. As the finder of fact in a bench trial, the trial court is the sole judge of the credibility of witnesses. (2) The trial court did not misapply the law of agency. (3) Crawford was unjustly enriched where he retained the benefit of repairs made to the common element of the roof of the condominiums, repairs to which he agreed, and did not pay his share of the cost for those repairs, and there was no substantial evidence that Reyner’s subsequent unilateral actions negated the value of this benefit.

Opinion by: Clifford H. Ahrens Sherri B. Sullivan, P.J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant: Patricia A. Wilcox and Thomas H. Rolwing

Attorney for Respondent: Eric F. Kayira

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.