

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

GLAIZE CREEK SEWER DISTRICT	)	ED94958
OF JEFFERSON COUNTY, MISSOURI,	)	
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of Jefferson County
v.	)	
	)	
GARY GORHAM and	)	Honorable Mark T. Stoll
SHEILA GORHAM,	)	
	)	
Defendants/Appellants.	)	Filed: March 22, 2011

Gary and Sheila Gorham (Appellants) appeal from the trial court's judgment entered upon a jury verdict assessing their damages from the appropriation of their property by Glaze Creek Sewer District of Jefferson County, Missouri (Respondent) to be \$0.00.

REVERSED and REMANDED.

Division Three Holds: The trial court abused its discretion in admitting Respondent's expert witness's testimony as to his estimation of Appellants' damages from Respondent's permanent partial taking of their property, because (1) the sources relied on by this expert witness for his estimate were so slight as to be fundamentally unsupported, and (2) he did not use the correct statutorily mandated formula for the assessment of damages from partial permanent takings of property.

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

Attorneys for Appellants: Stanley J. Wallach and Jerome Wallach

Attorneys for Respondent: Robert K. Sweeney and Allison Sweeney

<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>
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