

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

STEPHEN VOYLES, et al.,)	No. ED96913
)	
Respondents,)	Appeal from the Circuit Court of
)	the County of St. Louis
v.)	Cause No. 10SL-CC00653
)	Honorable Carolyn C. Whittington
BRIAN VOYLES,)	
)	
Appellant.)	Filed: March 20, 2012

Appellant Stephen Voyles appeals the judgment of the circuit court (i) denying his motion to dismiss the petition for specific performance, and (ii) granting Respondents' motion for summary judgment.

AFFIRMED.

DIVISION TWO HOLDS: The parties entered into a binding enforceable settlement agreement in the underlying lawsuit for the disposition of property under a trust to which all parties were beneficiaries. This agreement remained enforceable despite the fact that the underlying suit was dismissed without prejudice; therefore, the trial court did not err in denying Stephen's motion to dismiss the subsequent petition for specific performance filed by Respondents. Also, summary judgment for Respondents on the petition for specific performance was proper as Stephen cited no evidence that the agreement was "abandoned," and all essential terms of agreement were present.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, concur.

Attorneys for Appellant: Richard J. Keyes

Attorneys for Respondent: Bradford L. Stevens, Robert A. Useted,
David A. Castleman

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