

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

JAMES A. STEMMLER, Personal)	No. ED98893
Representative of the Estate of)	
Melvin C. Brewer,)	
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
FRED M. GOFFSTEIN,)	Honorable Mary B. Schroeder
)	
Respondent.)	FILED: April 16, 2013

James A. Stemmler, personal representative of the estate of Melvin C. Brewer, (“Stemmler”) appeals the trial court’s grant of summary judgment in favor of Fred M. Goffstein (“Goffstein”). On appeal, Stemmler argues there remained disputed issues of material fact as to Goffstein’s liability under the contract.

REVERSED AND REMANDED.

Division Five Holds: The trial court erred in granting summary judgment to Goffstein, because there was a material issue of disputed fact regarding the identity of the purchaser in the contract for the sale of real property and the date that the tear-down occurred. ITT Commercial Fin. Corp. v. Mid-Am. Marine Supply Corp., 854 S.W.2d 371, 376 (Mo. banc 1993).

Opinion by: Robert M. Clayton III, J.
Gary M. Gaertner, Jr., C.J., and Thomas C. Clark II, Sp.J., concur.

Attorney for Appellant: James A. Stemmler, Pro Se

Attorneys for Respondent: Anthony M. Pezzani

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.