

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

**DAN P. SCHROEDER AND LINDA L. SCHROEDER, HUSBAND AND WIFE
AND MARK A. SCHROEDER, RESPONDENTS,**

v.

**GLORIA D. PROCTOR, MARVIN E. PROCTOR AND VIRGLE E. FARRIS AND
WANDA J. FARRIS, TRUSTEES UNDER THE VIRGLE E. FARRIS AND
WANDA J. FARRIS REVOCABLE TRUST, APPELLANTS.**

DOCKET NUMBER WD69479

DATE: February 17, 2009

Appeal From:

COLE COUNTY CIRCUIT COURT

THE HONORABLE JON EDWARD BEETEM, JUDGE

Appellate Judges:

Lisa W. Hardwick, P.J., James Smart and Joseph P. Dandurand, JJ.

Attorneys:

Mark Wood Comley, Esq., Jefferson City, MO., **for appellant.**

Jonathan C. Browning, Esq., Jefferson City, MO., **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS – WESTERN DISTRICT

DAN P. SCHROEDER AND LINDA L. SCHROEDER,
HUSBAND AND WIFE AND MARK A. SCHRODER,

RESPONDENTS,

v.

GLORIA D. PROCTOR, MARVIN E. PROCTOR AND
VIRGLE E. FARRIS AND WANDA J. FARRIS, TRUSTEES
UNDER THE VIRGLE E. FARRIS AND WANDA J. FARRIS
REVOCABLE TRUST,

APPELLANTS.

WD69479

Cole County

Affirmed/Denied: Judgment affirmed.

Opinion Holds:

Virgle and Wanda Farris and Marvin and Gloria Proctor appeal the judgment of the trial court denying their claim of adverse possession. On appeal, the Farris and Proctors assert that the trial court erred in entering judgment in favor of Dan and Linda Schroeder because (1) possession of the disputed property was “hostile;” and (2) possession of the disputed property was “open and notorious.” Point 2 is denied, and the judgment is affirmed.

The Farris and Proctors own land adjacent to land owned by the Schroeders, and the Farris and Proctors claim by adverse possession the disputed areas between their properties and the property owned by the Schroeders. The Farris and Proctors contend that their maintenance of fences and the grazing of cattle on the disputed areas satisfy the open and notorious requirement of adverse possession. Maintenance of non-boundary fences and allowing cattle to have access to undeveloped land, however, are not enough in themselves to establish adverse possession. Because this court agrees with the trial court’s finding that the Farris and Proctors did not prove open and notorious possession, this court will not address the issue of hostile possession.

Opinion by Dandurand, J.

Before: Division I Judges: Lisa W. Hardwick, P.J., James Smart and Joseph P. Dandurand, JJ.

Opinion by: Joseph P. Dandurand, Judge

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