

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**BLUE RIDGE BANK AND TRUST CO.,  
RESPONDENT**

**vs.**

**RHONDA TROSEN, et al.,  
RESPONDENTS**

**RANDY and NANCY HANSON,  
RESPONDENT**

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DOCKET NUMBER WD69880

DATE: FEBRUARY 9, 2010

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Appeal from:

Jackson County Circuit Court  
The Honorable Michael W. Manners, Judge

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Appellate Judges:

Division Two: Victor C. Howard, P.J., Joseph M. Ellis and Mark D. Pfeiffer, JJ.

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Attorneys:

John Brady, for Respondent Blue Ridge Bank and Trust

Mark Bredemeier, for Appellants

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**BLUE RIDGE BANK AND TRUST CO., RESPONDENT**

**v.**

**RHONDA TROSEN, et al., RESPONDENTS  
RANDY and NANCY HANSON, APPELLANTS**

WD69880

Jackson County, Missouri

Before Division Two Judges: Victor C. Howard, P.J., Joseph M. Ellis and Mark D. Pfeiffer, JJ.

Randy and Nancy Hanson appeal from a judgment entered in the Circuit Court of Jackson County in an interpleader action originally filed by Blue Ridge Bank and Trust related to a piece of real property located on Lake Lotawana in Jackson County. The trial court found that the preemptive right to purchase property contained in the restrictive covenants at Lake Lotawana had been waived by the Lake Lotawana Association with regard to all intra-family transfers of real property. The trial court also concluded that the covenant, as written, posed an unreasonable restraint on the alienation of the property.

**AFFIRMED.**

**Division Three holds:**

- (1) The Lake Lotawana Association and its members had waived their preemptive rights related to intra-family transfers of property through their repeated comments and actions in allowing persistent violations of the provision over an extended period of time.
- (2) Substantial evidence supports the trial court's finding that the successor trustee's sale in this case to the Respondents qualified as an intra-family transaction

**Opinion by: Joseph M. Ellis, Judge**

Date: February 9, 2010

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