

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JAMES H. ANDERSON AND ROSE MARY ANDERSON,
APPELLANT**

vs.

**PATRICIA JEANNE PARKER, ET AL.,
RESPONDENTS**

DOCKET NUMBER WD72431

DATE: NOVEMBER 1, 2011

Appeal from:

The Circuit Court of Platte County, Missouri
The Honorable Abe Shafer, IV, Judge

Appellate Judges:

Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Attorneys:

Russell M. Nasteef, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES H. ANDERSON AND ROSE MARY ANDERSON, APPELLANT

v.

PATRICIA JEANNE PARKER, ET AL., RESPONDENTS

WD72431

Platte County, Missouri

Before Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

James and Rose Mary Anderson appeal the judgment of the trial court granting the motion for judgment notwithstanding the verdict or, alternatively, for a new trial of Patricia Jeanne Parker, Trustee of the Camden W. Riley, Jr. Trust, and Jeanne L. Riley, Individually and as Trustee of the Jeanne L. Riley Trust (Defendants). The Andersons sued Defendants for breach of contract and fraud involving an agreement wherein the Andersons were given a right of first refusal or preemptive right to purchase real estate by John, James, and Camden Riley (the Riley brothers). The Riley brothers are all now deceased. Mrs. Riley was Camden's wife, and Mrs. Parker was his daughter. The judgment is affirmed.

AFFIRMED.

Division Three holds:

Where the agreement between the Andersons and the Riley brothers did not specifically provide that it was binding on the heirs or assigns of the parties, the preemptive right was personal to the parties and expired on their deaths. The agreement, therefore, could not be enforced against Camden's heir or assigns and was not binding on Defendants, and the trial court did not err in granting Defendant's motion for JNOV or, alternatively, for a new trial.

Opinion by: Victor C. Howard, Judge

Date: November 1, 2011

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