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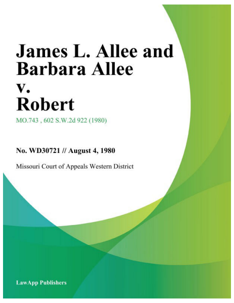
JAMES L ALLEE AND BARBARA ALLEE V ROBERT EBOOKS 2019



Author: Missouri Court of Appeals Western District

Realese Date: Expected @@expectedReleaseDate@@

James Allee and several other owners of lots in Keithley's Beach Second Addition, a subdivision in Benton County, broughtu003cbr /u003e suit for injunctive and declaratory relief to determine their rights in a strip of ground lying between the platted lots ofu003cbr /u003e such subdivision and the waterline of the Lake of the Ozarks. Robert Kirk and the other defendants were the owners of thoseu003cbr /u003e lots platted in Keithley's Second Addition next to the lake, referred to as first tier lots. Allee and the other plaintiffsu003cbr /u003e were the owners of lots which did not front on the lake, referred to as second tier lots. The court entered a judgment declaring all of the owners in Keithley's Second Addition acquired an easement by estoppel tou003cbr /u003e use the strip of ground for the placing of docks, access to such docks and for fishing, boating and walking. Robert Kirk,u003cbr /u003e Robert Turley and their wives, being first tier lot owners, appeal and contend the court erred in finding an easement by estoppel.u003cbr /u003e Reversed and remanded.

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