

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION
AT INDEPENDENCE**

**DAVID P. WIELE,
PLAINTIFF,**

VS.

**CASE NO. 1116-CV00364
DIVISION 32**

**CHRISTOPHER LONG et al.,
DEFENDANTS.**

JUDGMENT

On November 4th, 2011, the above captioned action is called by the Court for trial. Plaintiff appears in person and by his attorney, David E. Elliott. Defendants, Christopher Long and Emily Long, appear in person and by their attorney, Philip E. Nonnemaker. Defendants, Joseph Stasi and Amanda Schwartz, appear in person and by their attorney, Michael A. LeVota. Evidence and arguments were heard on Plaintiff's *Petition* and the cause was taken under advisement.

The Court, upon review, fully admitted and considered the evidence that was received subject to the Defendants' objections.

The Court, being fully advised in the premises, finds that the Plaintiff is not entitled to a permanent injunction. The Court finds the restrictive covenant does not contain any language that expressly prohibits commercial activity. The Court further finds the home based business, operated out of a one-family residence, as currently operated, does not constitute a "noxious or offensive trade or activity" prohibited in the covenant.

IT IS ORDERED, ADJUDGED AND DECREED that Judgment be entered for Defendants on Plaintiff's *Petition for Permanent Injunction*.

DATE

ASSOCIATE CIRCUIT JUDGE

The undersigned hereby certifies that a true and correct copy of the foregoing was faxed this Tuesday, August 21, 2012.

**Jerad Stock
Law Clerk**

Copies to:

David E. Elliott, Attorney for the Plaintiff

Philip E. Nonemaker, Attorney for Defendants

Michael A. LeVota, Attorney for Defendants