

TUESDAY, MARCH 24, 2009  
10:00 A.M.

NO. 2

#24895

KELLY B. MCCOLLAM and  
MICHELLE M. MCCOLLAM,  
Plaintiffs and Appellants,

vs.

NEIL D. CAHILL,  
Defendant and Appellee.

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(FOR APPELLANTS)

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(FOR APPELLEE)

The Honorable Scott P. Myren  
Fifth Judicial Circuit  
Walworth County

(CIV 06-123)

**STATEMENT OF THE ISSUES**

**I. WHETHER THE TRIAL COURT'S GRANT OF SPECIFIC PERFORMANCE OF THE *CONTRACT FOR DEED* SHOULD BE REVERSED.**

The trial court granted Appellee Cahill's request for specific performance of the *Contract for Deed*.

Parmely v. Hildebrand (Parmely I), 1999 SD 157, 603 NW2d 713.

Halls v. White, 2006 SD 47, 715 NW2d 577.

Miller v. County of Davison, 452 NW2d 119, (SD 1990).

Fuller v. Croston, 2006 SD 110, 725 NW2d 600.

SDCL 21-9-3.

**II. WHETHER THE TRIAL COURT'S DENIAL OF RESCISSION OF THE *CONTRACT FOR DEED* SHOULD BE REVERSED.**

The trial court denied Appellant McCollams' request for rescission of the *Contract for Deed*.

Bates v. Smith, 205 NW 661 (SD 1925).

Boyer v. Dennis, 2007 SD 121, 742 NW2d 518.

City of Deadwood v. Summit, Inc., 2000 SD 29, 607 NW2d 22.

Clayburg v. Whitt, 171 NW2d 623 (Iowa 1969).

SDCL 21-12-1.

SDCL 53-11-2.

SDCL 53-4-5.