

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

US BANK, NA,	)	No. ED97784
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	Honorable Brenda Stith Loftin
CLINTON WATSON,	)	
	)	
Appellant.	)	FILED: November 6, 2012

Clinton Watson (“Watson”) appeals from the trial court’s entry of summary judgment in favor of US Bank in its action against Watson for unlawful detainer. In its judgment, the trial court found that there was no issue as to any material fact to US Bank’s claim for unlawful detainer. On appeal, Watson argues that the trial court erred in granting summary judgment because it did not consider a prior judgment concerning the underlying deed of trust. Watson contends evidence of the prior judgment created an issue of material fact as to his lawful possession of the property, which precluded the entry of summary judgment in US Bank’s favor.

AFFIRMED.

Division Four holds: The prior action at issue involved neither the same parties as the current proceedings, nor a land sale contract. Therefore, the trial court was statutorily prohibited from considering the prior judgment in an action for unlawful detainer. Because Watson only challenged US Bank’s sufficiently pleaded statement of uncontroverted facts on the basis of the effect of the prior judgment, the trial court properly concluded that there was no genuine issue of material fact as to the claim for unlawful detainer. Accordingly, we affirm the trial court’s entry of summary judgment.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellants: Clinton Watson, Pro Se

Attorney for Respondent: Jennifer Stoehr and Jennifer M. West

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
--