

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

MISSOURI LAND DEVELOPMENT, I, LLC.,)	No. ED99258
))
Appellant,) Appeal from the Circuit Court
)) of St. Louis County
vs.)
)) Honorable Michael T. Jamison
RALEIGH DEVELOPMENT, LLC.,ET AL.,))
))
Respondents.) FILED: June 28, 2013

Missouri Land Development I, LLC ("Appellant") appeals from the trial court's judgment, entered by the Circuit Court of St. Louis County, quashing and permanently enjoining a writ of execution for the sheriff's sale of real property in satisfaction of a default civil money judgment entered on September 27, 2010, against Raleigh Properties, Inc. and Raleigh Development, LLC to enforce six mechanic's lien claims.

AFFIRMED.

Division Three Holds: The trial court's September 27, 2010 money judgment against defendants Raleigh Properties and Raleigh Development did not exceed the trial court's jurisdiction to act despite the trial court's separate March 23, 2010 judgment ruling on the technical validity of a mechanic's lien against Respondents. In Appellant's attempt to discover assets, insurance or income from Respondents, the trial court did not arbitrarily or unreasonably quash Appellant's subpoenas irrelevant to Appellant's ability to collect its judgment from the Raleigh Defendants and beyond the scope of Rule 76.28.

The original warranty deeds were not void; there was no allegation of fraud, Appellant as a third party had not acquired any interest in the property, and the correction deeds amended the original deeds to effectuate the intention of the parties to the original deeds and remedy the mutual mistakes. Church v. Combs, 58 S.W.2d 467, 470 (Mo. 1933). The recitals in the correction deeds were admissible into evidence based on Section 490.410 as well as their cumulative effect with other evidence that the Raleigh Defendants were alter egos or that one was the agent of the other, and that the conveyance of the land between the two entities was of no legal significance, the finding that Respondents are the current owners and the Raleigh Defendants were the former owners of the property at issue.

Finally, the doctrine of the law of the case as well as judicial estoppel apply and prevent Appellant from arguing here that the Raleigh Defendants are the current owners of the properties and alter egos of each other, opposite from its earlier position taken in previous proceedings. The trial court did not err. Each of Appellant's points are denied.

Opinion by: Roy L. Richter, J.
Robert G. Dowd, Jr., P.J., and Angela T. Quigless, J., concur.

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