

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

COMMONWEALTH LAND TITLE	)	No. ED101473
INSURANCE COMPANY,	)	
	)	
Plaintiff/Appellant,	)	Appeal from the Circuit Court of
	)	St. Louis County
vs.	)	
	)	Honorable Michael T. Jamison
FRANK J. MICELI, ET AL.,	)	
	)	Filed: April 28, 2015
Defendants/Respondent.	)	

Plaintiff Commonwealth Land Title Insurance Company appeals the judgment of the Circuit Court of St. Louis County in favor of defendants Frank J. Miceli, in his individual capacity and as trustee of the Frank Miceli Revocable Trust, the unknown beneficiaries of said trust, Stephen Miceli, in his individual capacity and as trustee of the Joseph J. Miceli Revocable Trust, the unknown beneficiaries of said trust, Miceli Homes, Inc. (“Miceli Homes”), Miceli Development Company, Miceli Holding Company, Masterwork Homes, Inc., and Miceli Masterwork Homes, Inc., D/B/A Miceli Custom Homes.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

DIVISION ONE HOLDS:

The trial court did not err by finding that the consent judgments barred Commonwealth’s Counts I-V against defendant Miceli Homes on the basis of res judicata. However, the trial court did err by finding that the consent judgments bar Counts I-V with respect to defendant Frank Miceli.

The trial court did not err by finding that Commonwealth’s Counts VII-VIII failed to state a claim.

Finally, the trial court erroneously declared and applied the law in granting judgment against Commonwealth on its motion for creditor’s bill and to pierce the corporate veil.

We remand to the trial court for further proceedings consistent with this opinion.

Opinion by: Lisa S. Van Amburg, J.  
Lawrence E. Mooney, P.J. and Clifford H. Ahrens, J. concur.

Attorney for Appellant: John Hein  
Attorney for Respondent: David Bender (attorney for Frank Miceli)  
Daniel Peters (attorney for Stephen Miceli)

**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.**