

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

JESSE CURTIS,)	No. ED101485
)	
Plaintiff/Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
RICHARD JAMES)	
)	
and)	Honorable Michael T. Jamison
)	
SHARON JAMES,)	
)	
Defendants/Respondents.)	Filed: March 31, 2015

Jesse Curtis (Appellant) appeals from the circuit court’s entry of summary judgment in favor of Richard James and Sharon James (collectively Respondents) on Appellant’s petition seeking relief under the Missouri Uniform Fraudulent Transfer Act, Sections 428.005 to 428.059 RSMo 2006 (the Act). On appeal, Appellant argues the circuit court erred in granting summary judgment in favor of Respondents on his claim under the Act, in that the court erred in (1) not dismissing Respondents’ motion for failing to comply with Rule 74.04; (2) requiring Appellant to obtain a judgment before allowing him to proceed under the Act; and (3) finding the property conveyed to Respondents’ Trust was held as tenants by the entirety because such finding was not supported by the record.

REVERSED and REMANDED.

Division Five Holds: A creditor is not required to obtain a judgment in order to pursue a claim under the Act and the circuit court misapplied the law in so holding. Furthermore, there is a genuine issue of material fact as to whether the Trust contains assets that can be subjected to Appellant’s claim, prohibiting summary judgment.

Opinion by: Sherri B. Sullivan, J. Angela T. Quigless, C.J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Spencer E. Farris
Attorney for Respondents: N. Barrett Braun

<p>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.</p>
