

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

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| JP MORGAN CHASE BANK, |) | No. ED91138 |
| A Trustee by Residential Funding |) | |
| Corporation, Attorney in Fact, Respondent, |) | Appeal from the Circuit Court |
| |) | of St. Louis County |
| vs. |) | |
| |) | |
| ERIC L. TATE, SR. and CHERYL |) | Filed: |
| HALL-TATE, Appellants. |) | March 24, 2009 |

Eric Tate and his wife, Cheryl Hall-Tate, (collectively referred to as "the Tates") appeal from the judgment entered in favor of JP Morgan Chase Bank, as Trustee by Residential Funding Corporation, Attorney-in-Fact, (hereinafter "JP Morgan") on its unlawful detainer action against the Tates. The Tates argue the trial court erred in failing to dismiss the unlawful detainer action pursuant to Section 534.300, RSMo 2000.

AFFIRMED.

Division Three holds: Following the case of P.M. Const. Services, Inc. v. Lewis, 26 S.W.3d 284 (Mo. App. W.D. 2000), Section 534.300, RSMo 2000, is a statute of limitations that does not commence to run until there is an unlawful detainer. JP Morgan's unlawful detainer action was brought well within the three-year statute of limitations.

Opinion by: Robert G. Dowd, Jr., P.J. Clifford H. Ahrens and Sherri B. Sullivan, JJ., concur.

Attorney for Appellants: Thomas R. Carnes

Attorneys for Respondent: Benjamin C. Struby and Charles S. Pulliam, III

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| <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> |
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