

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, ex rel.,)	No. ED91370
ADA BREHE KRUEGER,)	
Respondent,)	Appeal from the Circuit Court
)	of Gasconade County
vs.)	
)	
JEFFREY GRANT GARTH,)	Hon. Cynthia M. Eckelkamp
Appellant.)	FILED: March 17, 2009

Jeffrey Garth appeals from the trial court’s grant of a default judgment in favor of the State of Missouri that forfeited his interest in a parcel of real property, and ordered a judicial sale of that real property. A default judgment cannot be directly appealed.

DISMISSED.

DIVISION THREE HOLDS:

1. A default judgment cannot be directly appealed; rather, it is the denial of a motion to set aside a default judgment that must be appealed.
2. Garth’s motion for reconsideration and/or a new trial is not equivalent to a motion to set aside the default judgment; it neither sets forth a meritorious defense nor shows good cause supported by affidavits or sworn testimony.

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

Attorney for Appellant: Zachary W. Rennick

Attorney for Respondent: Ada Brehe-Krueger

**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.**