

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

COMMERCE BANK, N.A.,)	No. ED91652
)	
Plaintiff/Respondent,)	
)	Appeal from the Circuit Court of
vs.)	the Washington County
)	
STEVEN HAYES and DIANA HAYES,)	Honorable Troy K. Hyde
)	
Defendants/Appellants.)	FILED: January 20, 2009

Steven Hayes (Appellant) appeals from the judgment of the associate circuit division of the circuit court granting Commerce Bank, N.A. (Respondent) possession of certain premises in an unlawful detainer action.

APPEAL DISMISSED.

Division Five Holds: Appellant did not have the right to an appeal to this Court, but should have filed a request for a trial de novo pursuant to Section 512.180, RSMo Cum. Supp. 2007, because the case was an unlawful detainer action under Chapter 534 and there was nothing in the record on appeal to show that the associate circuit judge was assigned to hear the case on the record under procedures applicable before circuit judges.

Opinion by: Nannette A. Baker, C. J. Patricia L. Cohen, J. and Kenneth M. Romines, J., concur.

Attorneys for Appellant: Steven Hayes, pro se

Attorney for Respondent: Jason Bahnsen

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.