

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

VINCENT V. VOGLER,)	ED92940
Appellant,)	Appeal from the Circuit Court of
v.)	St. Louis County
GRIER GROUP MANAGEMENT CO.,)	Hon. Patrick Clifford
Respondent.)	Filed: February 9, 2010

OPINION SUMMARY

The issue in this case is whether the trial court properly granted summary judgment in favor of a property management company that had been sued for violating the Fair Debt Collection Practices Act (FDCPA).¹ Plaintiff, Vincent V. Vogler, alleged that Defendant, Grier Group Management Company (Grier Group), violated the FDCPA when it attempted to collect past due condominium assessments. The trial court granted summary judgment to Grier Group, and it found that Vogler brought the claim in bad faith.

Vogler raises two points on appeal. In his first point, he claims the summary judgment was improper because a genuine issue of material fact exists as to whether Grier Group was a debt collector as defined by the FDCPA. In his second point, he argues that the trial court erred in finding the claim was brought in bad faith and awarding attorney's fees to Grier Group.

AFFIRMED.

DIVISION ONE HOLDS: Grier Group is not a debt collector as defined in the Fair Debt Collection Practices act because Grier Group's principal purpose is not debt collection, and it does not regularly collect debt owed to another. The trial court did not abuse its discretion when it awarded Grier Group its attorney's fees.

Opinion by: Nannette A. Baker, J.

Kathianne Knaup Crane, P.J. and Clifford H. Ahrens, J., concur.

Attorneys for Appellant: Vincent D. Vogler, Jr. and James Klenc

Attorney for Respondent: Shulamith Simon

**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.**

¹ 15 U.S.C. §§ 1692–1692p (2007).