

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

REALTY RESOURCE, INC.,	) ED93031
Plaintiff/Respondent,	)
	)
v.	) Appeal from the Circuit Court
	) of St. Louis County
TRUE DOCUGRAPHICS, INC.,	)
Defendant/Cross-Claimant/Respondent,	) Honorable Barbara W. Wallace
	)
v.	)
	)
BERNADETTE BUSINESS FORMS, INC.,	)
Defendant/Cross-Respondent/Appellant.	) Filed: April 27, 2010

Bernadette Business Forms, Inc., f/k/a JPB Investments V, Inc. (BBF) appeals from the summary judgment of the trial court entered in favor of Realty Resource, Inc. (Realty Resource) on Count III of Realty Resource’s Second Amended Petition alleging breach of contract against BBF and in favor of True Docugraphics, Inc., f/k/a Bernadette Business Forms, Incorporated (TDI) on TDI’s Cross-Claim against BBF for Indemnification. TDI appeals from the trial court’s judgment awarding attorney’s fees.

REVERSED IN PART and REMANDED, and AFFIRMED IN PART.

Division Two Holds: Realty Resource is a third party beneficiary to the Sublease Agreement; BBF and TDI have joint and several liability to Realty Resource under the Sublease Agreement; BBF is obligated to indemnify TDI for the claims asserted by Realty Resource against TDI; BBF is liable to Realty Resource for prejudgment interest from the time payment was due under the Sublease Agreement; the trial court erred in awarding TDI \$1,000.00 in attorney’s fees without considering TDI’s evidence of its attorney’s fees; and TDI is entitled to recover its attorney’s fees incurred from the date the trial court entered judgment in its favor on its cross-claim through the conclusion of this appeal, which the trial court will determine upon remand.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Michael J. Sewell  
Attorneys for Respondent: Barbara E. Wiseheart and Michael P. Stevens  
Attorney for Cross-Claimant: N. Gregory Beachem

<b>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.</b>
--