

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

STATE OF MISSOURI, ex rel.,)	No. ED95960
MISSOURI HIGHWAYS AND)	
TRANSPORTATION COMMISSION,)	
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
WESTGROVE CORPORATION, et al.)	Honorable James R. Hartenbach
)	
Respondents.)	Filed: March 6, 2012

The Missouri Highway and Transportation Commission (“MHTC”) appeals the judgment of the trial court granting summary judgment in favor of David and Patricia Matula (“the Matulas”) on MHTC’s claims for fraudulent conveyance and conspiracy to defraud and on the Matulas’ counterclaim for equitable subrogation. MHTC also appeals the trial court’s judgment following a bench trial in favor of the Matulas on their counterclaim for bona fide purchaser.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

Division Two Holds: The trial court did not err in granting summary judgment in favor of the Matulas on MHTC’s claims of fraudulent conveyance and conspiracy to defraud. However, the trial court’s judgment in favor of the Matulas on their claim for bona fide purchaser was erroneous. The trial court also erred in granting summary judgment in favor of the Matulas on their counterclaim for equitable subrogation.

Opinion by: Robert M. Clayton III, J.
Kathianne Knaup Crane, P.J., concurs in opinion of Judge Clayton and concurs in the separate concurring opinion of Judge Romines.
Kenneth M. Romines, J., concurs in separate opinion.

Attorney for Appellant: John E. Toma, Jr., Melissa M. Zensen

Attorney for Respondents: Wendy S. Menghini, Elizabeth Nguyen, Charles L. Merz

**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.**