

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

AMERICAN FAMILY MUTUAL)	ED96759
INSURANCE CO.,)	
Respondent,)	Appeal from the Circuit Court
v.)	of St. Louis County
)	
PAMELA C. COKE)	Honorable Carolyn C. Whittington
and)	
WARD FERRELL,)	
Appellants.)	Filed: February 14, 2012

Pamela C. Coke and Ward Ferrell (Appellants) appeal from the trial court’s judgment granting American Family Mutual Insurance Co.’s (Respondent) Motion for Directed Verdict on Appellants’ counterclaim for breach of contract and vexatious refusal to pay.

On appeal, Appellants argue that the trial court erred in granting Respondent’s motion based on the court’s finding that Appellants were not entitled to receive insurance proceeds under a policy they purchased from Respondent for property damage to a motor home insured under the policy because Appellants were not the titled owners of the motor home, in that the evidence adduced at trial demonstrated that Appellants had an insurable interest in the motor home despite lacking title.

REVERSED and REMANDED.

Division Three Holds: The trial court erred in granting Respondent’s Motion for Directed Verdict because an insurable interest, and not title, is a prerequisite to the enforcement of an insurance contract. Appellants presented substantial evidence supporting a finding that they had an insurable interest in the motor home both when making the contract and when the loss was sustained, in that Appellants contributed funds to the purchase of the motor home, expended funds to maintain and repair the motor home, and utilized the motor home for their personal use.

Opinion by: Sherri B. Sullivan, J. Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellants: Michael J. Fagras

Attorney for Respondent: Robert J. Wulff

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