

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

BANK OF AMERICA, N.A.,)	No. ED99989
)	
Respondent,)	Appeal from the Circuit Court of
)	Cape Girardeau County
vs.)	
)	Honorable William L. Syler
RONALD DUFF d/b/a RON DUFF VIDEO)	
PRODUCTIONS and JO DUFF,)	
)	Filed: February 11, 2014
Appellants.)	

Ronald Duff d/b/a Ron Duff Video Productions and Jo Duff (collectively, “Defendants”) appeal the judgment of the Circuit Court of Cape Girardeau County in favor of Bank of America, N.A. (“Plaintiff”) on its petition arising out of loans made to Defendants. Defendants argue the trial court erred in: (1) granting summary judgment for Plaintiff because the record did not show Plaintiff was entitled to enforce the loan documents; (2) granting summary judgment for Plaintiff because the record contained no evidence of the amounts Defendants owed on each individual loan; and (3) awarding attorneys’ fees to Plaintiff because the court had no evidence before it of the nature and extent of the legal services provided to Plaintiff.

AFFIRMED.

Division Three Holds:

- 1) Defendants waived their claim that Plaintiff lacked capacity to sue with regard to the loan documents because Defendants did not raise the issue by pleading or motion under Rules 55.13 and 55.27(g)(1)(E).
- 2) Defendants failed to present to the trial court the issue raised in their second point on appeal and therefore failed to preserve the point for appellate review.
- 3) The trial court did not err in awarding attorneys’ fees to Plaintiff because the court was acquainted with the case and entitled to fix the amount of fees without the aid of evidence.

Opinion by: Angela T. Quigless

Mary K. Hoff, P.J., Kurt S. Odenwald, J., Concur.

Attorney for Appellant: Richard K. Kuntze

Attorney for Respondent: Matthew R. Hubbard, Michael S. Lee (Co-Counsel)

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.