

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STEVEN A. TOLBERT,**

**Appellant,**

**v.**

**AUTOMOTIVE FINANCE CORPORATION,**

**Respondent.**

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DOCKET NUMBER WD71908

**Date: May 17, 2011**

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Appeal from:  
Jackson County Circuit Court  
The Honorable Richard E. Standridge, Judge

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Appellate Judges:  
Division Four: Lisa White Hardwick, Chief Judge, Presiding, James M. Smart,  
Judge and Darin Adkins, Special Judge

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Attorneys:  
Jonathan B. Milbourn, Kansas City, MO, for appellant.  
Keith C. Volpi, Kansas City, for respondent.

**MISSOURI APPELLATE COURT OPINION SUMMARY  
COURT OF APPEALS -- WESTERN DISTRICT**

**STEVEN A. TOLBERT**

**Appellant,**

**v.**

**AUTOMOTIVE FINANCE CORPORATION,**

**Respondent.**

WD71908

Jackson County

Before Division Four: Lisa White Hardwick, Chief Judge, Presiding,  
James M. Smart, Judge and Darin Adkins, Special Judge

Steven Tolbert appeals from a judgment ordering him to pay damages of \$53,904.41 on a conversion claim filed by Automotive Finance Corporation. Tolbert contends the circuit court erred in: (1) determining he was not a *bona fide* purchaser of the vehicle at issue on the conversion claim; (2) denying his motion to vacate the judgment; and (3) awarding a judgment in excess of \$25,000.

**AFFIRMED.**

Division Four holds: (1) Tolbert failed to present sufficient evidence to show that he was a *bona fide* purchaser of the vehicle; (2) the circuit court did not err in refusing to vacate the judgment based on election of remedies because Tolbert failed to demonstrate a double recovery; and (3) AFC's counterclaim sought damages in excess of \$25,000 and, thus, the judgment limitations in Section 517.011 are not applicable in this case.

Opinion by: Lisa White Hardwick, Chief Judge

**May 17, 2011**

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**