

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

HOLLIDAY INVESTMENTS, INC,

Appellant

v.

HAWTHORN BANK.

Respondent

DOCKET NUMBER WD78640

DATE: December 8, 2015

Appeal From:

Circuit Court of Boone County, MO
The Honorable Kevin M.J. Crane, Judge

Appellate Judges:

Division One
Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Attorneys:

Thomas Michael Schneider, Columbia, MO,

Counsel for Appellant

Attorneys:

Michael Joseph Schmid, Jefferson City, MO

Counsel for Respondent

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

HOLLIDAY INVESTMENTS, INC,

Appellant,

v.

HAWTHORN BANK,

Respondent.

WD78640

Boone County

Before Division One Judges: Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Holliday Investments, Inc. (Holliday) appeals the circuit court's judgment in favor of Hawthorn Bank (Hawthorn) on Holliday's claim that Hawthorn was unjustly enriched by a home that Holliday built on property later foreclosed upon by Hawthorn. Holliday asserts that the court misapplied the law in striking Holliday's demand for a jury trial.

AFFIRMED

Division One Holds:

Holliday fails to prove that, even if it was entitled to a jury, it was prejudiced by the court's ruling. Holliday's undisputed evidence does not support the necessary elements of the claim. Holliday contends it was entitled to a jury and, therefore, the issue could not have been submitted to a jury had there been one.

Opinion by Anthony Rex Gabbert, Judge

Date: 12/8/15

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