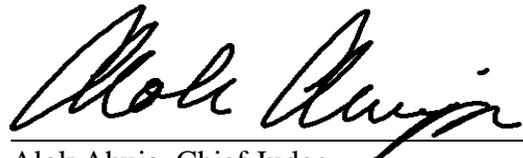


“The right of appeal is purely statutory. Without statutory authority, no right to appeal exists.” *AMG Franchises, Inc. v. Crack Team USA, Inc.*, 289 S.W.3d 655, 657 (Mo. App. E.D. 2009) (citations omitted). In particular, “[i]t is well settled that a party may not appeal a default judgment until [the party] has proceeded with a motion to set aside the judgment as provided under Rule 74.05(d) unless the appeal presents questions concerning the trial court's subject matter jurisdiction or the sufficiency of the plaintiff's petition.” *Tan-Tar-A Estates, L.L.C. v. Steiner*, 465 S.W.3d 915, 917 (Mo. App. S.D. 2015) (citations and internal quotation marks omitted); *see also, e.g., Agnello v. Walker*, 306 S.W.3d 666, 675-76 (Mo. App. W.D. 2010) (“The default judgment is subject to review only by appeal from the trial court's judgment denying [Appellant’s] motion filed pursuant to Rule 74.05.”).

Mahn and Lindsey have not argued, nor has this court found any reason to believe, that the circuit court lacked subject matter jurisdiction or that Latta’s petition was insufficient. In these circumstances, “the direct appeal of the default judgment should be dismissed for failure to satisfy a mandatory prerequisite. *A default judgment cannot be appealed unless the trial court has previously heard a motion to set aside or vacate the judgment.*” *Barney v. Suggs*, 688 S.W.2d 356, 358 (Mo. banc 1985) (citing *Vonsmith v. Vonsmith*, 666 S.W.2d 424 (Mo. banc 1984)).

Conclusion

The appeal is dismissed.


Alok Ahuja, Chief Judge

All concur.