MISSOURI COURT OF APPEALS
WESTERN DISTRICT

I-70 MOBILE CITY, INC.

RESPONDENT,

v.

DEIDRE CARTWRIGHT

APPELLANT.

DOCKET NUMBER WD82790

DATE: March 3, 2020

Appeal From:

Lafayette County Circuit Court
The Honorable Kelly Halford Rose, Judge

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Gary D. Witt, Judge

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Attorneys:

Brooke Pollard and Robert H. Schnieders, Oak Grove, MO, for respondent.

William A. Shull III, Warrensburg, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

I-70 MOBILE CITY, INC., RESPONDENT,
v.
DEIDRE CARTWRIGHT, APPELLANT.

WD82790 Lafayette County

Before Division Two Judges: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge, and Gary D. Witt, Judge

Appellant Deidre Cartwright ("Cartwright") appeals the judgment of the Circuit Court of Lafayette County dismissing Cartwright's affirmative defense and counterclaim that I-70 Mobile City ("I-70") breached the warranty of habitability in an unlawful detainer action.

Cartwright and I-70 entered into a leasing agreement for the rental of real property, and subsequently I-70 filed a petition for rent and possession against Cartwright and another individual not a party to the appeal. Later, I-70 amended its petition to bring an action in unlawful detainer. Cartwright filed an answer raising an affirmative defense and a counterclaim for breach of the warranty of habitability alleging that I-70 terminated water service before the end of the lease agreement. The circuit court dismissed this affirmative defense and counterclaim. Cartwright appeals alleging that the circuit erred in dismissing these claims because the claims are not precluded by sections 534.200 and 534.210.

AFFIRMED.

Division Two holds:

The circuit court did not err in dismissing the affirmative defense and counterclaim. Although the claims were not precluded by section 534.210, the claims were precluded by section 534.200 because section 534.200 precludes all affirmative defenses and counterclaims in unlawful detainer actions that go beyond the sole issue before the court: who is entitled to current possession of the property at issue?

Opinion by: Gary D. Witt, Judge March 3, 2020

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