In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

FEDERAL HOME LOAN MORTGAGE CORPORATION,	)	No. ED107853
Respondent,	)	Appeal from the Circuit Court of the City of St. Louis
vs.	)	1822-CC00875
WILMA PENNINGTON-THURMAN,	)	Honorable Joan L. Moriarty
Appellant.	)	Filed: April 14, 2020

This appeal addresses whether Appellant filed a timely Rule 51.05 application for automatic change of judge before the trial court entered its judgment in favor of Respondent on its petition to strike the purported lien Appellant had placed on her former home which Federal Home now owns. Appellant claims her application was timely and the Circuit Court of the City of St. Louis erred by denying her application and proceeding to the merits of Federal Home's petition.

REVERSED.

DIVISION IV HOLDS: Appellant's application for change of judge was timely. Rule 51.05(b) requires change of judge applications to be filed "within 60 days from service of process or 30 days from the designation of the trial judge, whichever time is longer." Since this case was removed to federal court and then remanded, Rule 55.34 provides that "[i]f a case removed to federal court is remanded to a court of this state, the date of the remand order is deemed the date of service for determining when a pleading shall be filed or an action taken." Here, Appellant's application was timely under Rules 51.05(b) and 55.34 because Appellant filed it within 60 days from the date of the remand order.

Opinion by: James M. Dowd, P.J.

Kurt S. Odenwald, J., and Robin Ransom, J., concur.

Attorney for Appellant: Wilma Pennington-Thurman (pro se)

Attorney for Respondent: Charles S. Pullium, III

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.