In the Missouri Court of Appeals
Eastern District

DIVISION THREE

ZICK, VOSS, POLITTE & RICHARDSON	)	No. ED109152
	)	
Respondent,	)	Appeal from the Circuit
	)	Court of Franklin County
vs.	)	20AB-AC00743
	)	
JEANNETTE M. PUETZ, DAVID M. PUETZ, and GERALD B. PUETZ,	)	Honorable David L. Hoven
	)	
Appellants.	)	Filed: July 20, 2021

Angela T. Quigless, P.J., Kurt S. Odenwald, J., and James M. Dowd, J.

Jeanette M. Puetz, David M. Puetz, and Gerald B. Puetz, appeal the judgment of the Circuit Court of Franklin County - Associate Circuit Division, denying their motion to set aside the default judgment entered against them and in favor of their former law firm, Zick, Voss, Politte & Richardson on August 8, 2020. We hold that the trial court erred in failing to set aside the default judgment because the court erroneously applied the dictates of Rules 55.25(a) and 74.05(a) of the Missouri Rules of Civil Procedure, that a defendant who fails to file a responsive pleading to a petition within 30 days is subject to the entry of a default judgment, when those rules are inapplicable to Associate Circuit Division cases governed by chapter 517 of the Revised Statutes of Missouri.

REVERSED AND REMANDED.

DIVISION III HOLDS: The trial court's denial of the motion to set aside the default judgment was manifestly erroneous because:

> (1) The court's June 23 entry of the judgment by default and its subsequent failure to set it aside were based on its erroneous application of Rules 55.25 and 74.05(a) to this chapter 517 case.

Opinion by: James M. Dowd, J.

Angela T. Quigless, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Jeanette M. Puetz, David M. Puetz, and Gerald B. Puetz, Acting Pro Se

Attorney for Respondent: Sean D. Brinker

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.