OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SAMUEL MARTI,	)	No. ED109282
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	Cause No. 18SL-CC00681-01
	)	
CONCRETE CORING COMPANY OF NORTH AMERICA,	)	Honorable David Lee Vincent, III
	)	
Respondent.	)	Filed: September 7, 2021

Samuel Marti (Marti) appeals the trial court's judgment setting aside a prior default judgment entered against Concrete Coring Company of North America (CCC) in Marti's suit against CCC for negligence. Marti argues the trial court erred in concluding it had no jurisdiction to enter the default judgment due to lack of proper service.

AFFIRMED.

Division Two Holds: The return of service here was deficient on its face. It failed to list facts establishing compliance with Rule 54.13(b)(3) in that it failed to identify the role of the person served as one qualified to accept service on behalf of a corporation. While the Sheriff filed an affidavit with additional facts regarding service, the record does not reveal any attempt to amend the sheriff's return. Therefore, the affidavit does not constitute prima facie evidence of proper service, but was before the trial court in its role as factfinder. We presume the court found the facts in accordance with its judgment. The return as it stands in the record is deficient on its face, thus the trial court did not err in determining the default judgment was void for lack of personal jurisdiction.

Opinion by: Gary M. Gaertner, Jr. J.,
Robert M. Clayton III, P.J., and Thom C. Clark, J., concur.

Attorneys for Appellant: J.C. Pleban, C. John Pleban, Benjamin P. Kates
Attorneys for Respondent: Gary M. Siegel, Daniel R. Young, Michael D. Cerulo, Nathan C. Day, Brittany D. Kozal, Erica Briscoe

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.