

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DANIELLE GOSER,	)	No. ED109244
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Jefferson County
vs.	)	
	)	Honorable Jeffrey T. Coleman
DAVID BOYER,	)	
	)	
Appellant.	)	FILED: September 14, 2021

David Boyer (“Boyer”) appeals from the trial court’s judgment granting unlawful detainer to Danielle Goser (“Goser”) for possession of certain property (the “Property”) following a sheriff’s sale. In his sole point on appeal, Boyer argues the trial court erred in granting Goser unlawful detainer under Section 534.030 because Goser failed to satisfy the class requirements of the statute.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: Because no foreclosure on a mortgage or deed of trust occurred, Boyer was neither a holdover borrower nor a holdover tenant of a foreclosed property against whom Goser could bring an unlawful-detainer action under the foreclosure class of Section 534.030. Because Goser never had possession of the Property prior to filing her petition for unlawful detainer, Goser could not bring an unlawful-detainer action under the intruder class of Section 534.030. Accordingly, Goser failed to meet the statutory requirements of Section 534.030, and the trial court thus erred in granting a judgment of unlawful detainer and in denying Boyer’s motion for relief from judgment. The point on appeal is granted. We reverse and remand to the trial court to enter judgment consistent with this opinion.

Opinion by: Kurt S. Odenwald, Judge
Sherri B. Sullivan, C.J., and Kelly C. Broniec, J., concur.

Attorney for Appellant: Phillip K. Gebhardt

Attorney for Respondent: Mark T. Bishop

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.
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