OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

AUTUMN LAKES ASSOCIATION,	)	No. ED110228
	)	
Plaintiff,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	Cause No. 18SL-AC34738
	)	
JAME Q. TRAN,	)	Honorable Matthew H. Hearne
	)	
Defendant-Appellant/	)	
Cross-Respondent,	)	
	)	
and	)	
	)	
TSJ HOLDINGS, LLC,	)	
	)	
Third-Party Intervenor-Respondent/	)	Filed: November 8, 2022
Cross Appellant.	)	

This case involves two appeals. One brought by TSJ Holdings, LLC challenges the setting aside of a default judgment for lack of proper service. The other appeal brought by Jame Tran challenges the judgment against him on TSJ's unjust enrichment claim.

APPEAL IS REVERSED. CROSS-APPEAL IS DISMISSED.

Division Three holds: (1) The February of 2020 judgment setting aside the default judgment against Tran resolved all of the issues related to the independent Rule 74.06(b) proceeding, leaving nothing for future determination, and was a final judgment for purposes of appeal. Because TSJ was not a party in this case at the time it filed a motion to reconsider that judgment, the motion did not extend the thirty-day period over which the circuit court retained control of the judgment. Therefore, the February 2020 judgment became appealable in March of 2020, and the notice of appeal filed in December of 2021 is untimely and must be dismissed.

(2) There is no evidence that TSJ's actions during the short interim it owned the property that was the subject of the default judgment—purchasing a homeowner's insurance policy and "managing" the property—conferred any benefit on Tran when he later regained ownership thereof. Therefore, the judgment finding that Tran was unjustly enriched by those actions must be reversed.

Opinion by: John P. Torbitzky, J.,
Gary M. Gaertner, Jr., P.J., and Cristian M. Stevens, J., concur.

Attorney for Appellant: Gregory E. Anderson, Katharyn B. Davis

Attorney for Respondent: Emily E. Cantwell, Laura Toledo

Attorney for Plaintiff: Becky R. Eggmann, Stephen G. Davis

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.