OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

XTRA LEASE, LLC,	)	ED110391
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	St. Louis County
v.	)	21SL-CC01024
	)	
PIGEON FREIGHT SERVICES, INC.,	)	Honorable John N. Borbonus
	)	
Appellant.	)	Filed: February 7, 2023

Pigeon Freight Services Inc., appeals the judgment denying its motion set aside a default judgment entered in favor of Xtra Lease LLC. Pigeon Freight asserts three points on appeal claiming (1) the circuit court abused its discretion by not setting aside the default judgment because it alleged good cause and a meritorious defense; (2) the return of service was facially deficient; and (3) Xtra Lease failed to prove service was valid pursuant to Rule 54.13(b)(3).

AFFIRMED.

Division Two holds: First, Pigeon Freight did not preserve its argument on appeal that it showed good cause due to confusion regarding the status of the litigation. Second, the return of service facially satisfied the proof of service required by Rule 54.20(b)(2) by stating the time, place, and manner of service. Finally, the record supports the circuit court's finding that Xtra Lease properly served Pigeon Freight pursuant to Rule 54.13(b)(3) by delivering a copy of the summons and petition at Pigeon Freight's business office to a person in charge of that office.

Opinion by: Renée D. Hardin-Tammons, J.

Lisa P. Page, P.J. and Thomas C. Clark, II, J., concur.

Attorney for Appellant: Keith G. Liberman

Attorney for Respondent: Christopher J. Lawhorn

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