

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

DEBRA S. PAULI AND	)	No. ED101231
STEVEN G. SPICER,	)	
	)	
Appellants,	)	Appeal from the St. Louis
	)	County Circuit Court
vs.	)	
	)	Honorable Barbara W. Wallace
GWEN SPICER,	)	
	)	Filed: October 14, 2014
Respondent.	)	

In this declaratory judgment action, Debra Pauli and Steven Spicer (Plaintiffs) seek to set aside as null and void the St. Louis Circuit Court’s January 22, 2008 judgment (2008 judgment), which effectively quieted title to certain real property in Gwen Spicer (Defendant). Plaintiffs raise four points on appeal, claiming that the trial court’s judgment is erroneous because: (1) Plaintiffs were “necessary and indispensable” parties to the prior quiet title action, but were never made parties to that lawsuit, and the 2008 judgment is, therefore, void; (2) Plaintiffs, as non-parties to the quiet title action, are not bound by the 2008 judgment because they were neither identified nor served in that action; (3) the trial court entered the 2008 judgment against the Donald N. Spicer Revocable Living Trust (Trust), which is a “non-suable entity” and, thus, the 2008 judgment is void; and (4) the trial court erred by failing to rule on Plaintiff Pauli’s request for findings of fact.

REVERSED AND REMANDED.

Division Two Holds: Point I is dispositive. Because Plaintiffs were necessary and indispensable parties to the prior quiet title action, but were never made parties to that action, the 2008 judgment is void. The trial court erred by extending the 2008 judgment to apply to Plaintiffs because neither res judicata nor virtual representation are applicable.

Opinion by: Philip M. Hess, J.  
Sherri B. Sullivan, P.J. and Mary K. Hoff, J. concur.

Attorney for Appellant: Gregory G. Fenlon

Attorney for Respondent: Ronald S. Ribaud

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