

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

GREEN TREE SERVICING, LLC,)	No. ED103906
)	
Plaintiff/Appellant,)	Appeal from the Circuit Court of
)	Jefferson County
vs.)	
)	
CHICAGO TITLE INSURANCE)	Honorable Darrell E. Missey
COMPANY,)	
)	Filed: October 4, 2016
Defendant/Respondent,)	
)	
and)	
)	
TITLE PRO, LLC,)	
)	
Defendant.)	

Summary

Green Tree Servicing LLC (Appellant) appeals the judgment of the Circuit Court of Jefferson County granting Chicago Title Insurance Company's (Respondent) motion to dismiss Counts I and II of Appellant's petition seeking damages against Respondent for vexatious refusal to pay and breach of contract. This case is about a dispute over a title insurance contract between the parties, and Respondent's denial of Appellant's claim for coverage under said contract after Appellant's lien, which was insured by Respondent, was wiped out in a foreclosure sale. Appellant notified Respondent of its claim approximately six months after the foreclosure sale. Respondent argued, and the trial court agreed, that Appellant failed to provide timely notice of its claim. On appeal, Appellant argues that it notified Respondent promptly once it had actual notice of its claim, and that the trial court erred in determining, as a matter of law, that it did not provide timely notice under the contract.

REVERSED AND REMANDED

Division Five Holds:

- (1) The trial court erred in determining, as a matter of law, that Appellant did not timely notify Respondent of its claim pursuant to the parties' insurance contract.

Opinion by: Philip M. Hess, C.J.
Lawrence E. Mooney, J. and Gary M. Gaertner, Jr., J. concur.

Attorneys for Appellant: Casey C. Cira

Attorney for Respondent: Sarah W. Rubenstein

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.