

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

ROBERT BELLISTRI,)	No. ED91369
Respondents,)	
)	Appeal from the Circuit Court
v.)	of Jefferson County
)	
OCWEN LOAN SERVICING, LLC,)	FILED: March 3, 2009
Appellant.)	

OPINION SUMMARY

Ocwen Loan Servicing, L.L.C. (“Ocwen”) appeals from a judgment of the Circuit Court of Jefferson County quieting title to real estate commonly known as 1210 Airglades, Arnold, Missouri (“the property”) in favor of Robert Bellistri. On August 22, 2005, Bellistri purchased the property at a delinquent tax sale, and he was issued a collector’s deed on September 19, 2006. Bellistri then brought this suit to quiet title to the property. Both parties filed motions for summary judgment, and the circuit court found Ocwen lacked standing to contest Bellistri’s collector’s deed.

On appeal, Ocwen argues that (1) Bellistri lost his interest in the property by failing to send Mortgage Electronic Registration System (“MERS”) notice pursuant to Section 140.405 RSMo (2006); (2) the notice Bellistri sent to BNC Mortgage Inc. (“BNC”) misrepresented the redemption period and was therefore insufficient; (3) summary judgment should have been entered in its favor because Bellistri failed to comply with Section 140.405; and (4) Ocwen had standing in this quiet title action because it was the named grantee on the assignment of the deed of trust.

AFFIRMED

DIVISION FIVE HOLDS: The circuit court properly granted Bellistri summary judgment because Ocwen lacked a legally cognizable interest in the property. Therefore, it lacked standing to seek relief.

Opinion by: Nannette A. Baker, C.J. Glenn A. Norton, J. and Kenneth M. Romines, J., concur.

Attorneys for Appellant: Blake Hill and Jeffrey Weisman

Attorney for Respondent: Phillip Gebhardt

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.