

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KEYLIEN CORPORATION, Plaintiff/Appellant,)
v.) No. ED91444
ROBERT LEE JOHNSON and SHERON) Appeal from the Circuit Court
JOHNSON, Defendants,) of St. Louis County
EQUITY ONE, INC., Defendant/Respondent,) Date: February 17, 2009
WASHINGTON MUTUAL BANK, FA, Defendant,) and PULASKI SERVICE CORP., Defendant.)

Plaintiff appeals from the trial court's entry of summary judgment quieting title in defendant, Equity One, Inc., and declaring that the collector's deed and subsequent quitclaim deed to plaintiff were null and void.

REVERSED AND REMANDED.

Division Four Holds:

1. Our holdings in *Valli v. Glasgow Enterprises, Inc.*, 204 S.W.3d 273 (Mo.App. 2006) and *Glasgow Enterprises, Inc. v. Brooks*, 234 S.W.3d 407 (Mo.App. 2007), that section 140.405 provides that lienholders are entitled to be notified "of their right to 'redeem said property' within ninety days from the date the county collector receives an affidavit from the purchaser that 'proper notice has been given'" apply only to third offering tax sales.
2. The summary judgment record did not show that this was a third offering tax sale.
3. The summary judgment record did not develop whether the notice given in this case complied with that required for a first or second offering tax sale.

Opinion by: Kathianne Knaup Crane, J. Nannette A. Baker, C.J. and Mary K. Hoff, J., concur.

Attorney for Appellant: Thomas W. Hayde

Attorney for Respondent: Jerry Morgan

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.