

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SUTTON FUNDING, LLC,)	No. ED91458
Plaintiff/Appellant,)	
)	Appeal from the Circuit Court
vs.)	of St. Charles County
)	
FORREST MUELLER, et al.,)	
Defendants/Respondents.)	FILED: February 3, 2009

Sutton Funding, LLC (“Sutton”) appeals from the judgment of the trial court that gave priority to a judgment lien against the vendee of real property over a purchase money deed of trust given for the real property. The trial court found that Mid-Am Investments, Inc. (“Mid-Am”) holds fee simple title to Lot 93 of Dardenne Landing in St. Charles County, Missouri (“the Property”), subject only to the lien of the Missouri Division of Employment Security (“MDES”) for a judgment against Forrest Mueller (“Mueller”), with all other liens extinguished, and denying Sutton’s other claims.

REVERSED AND REMANDED.

DIVISION THREE HOLDS:

1. A purchase money deed of trust given for a parcel of real property has priority over a prior judgment lien against the vendee of that real property.
2. Mid-Am holds fee simple title to the Property subject to the liens of the Sutton deed of trust and MDES.

Opinion by: Clifford H. Ahrens, J. Robert G. Dowd, Jr., P.J. and Sherri B. Sullivan, J.

Attorney for Appellant: Robert E. Jones

Attorney for Respondent: E. Darrell Davis

**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.**