

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

JEWISH CENTER FOR AGED AND JCA SUPPORT CO.,)	No. ED91965
)	
Respondents,)	Appeal from the Circuit Court of St. Louis County
)	
vs.)	Cause No. 07SL-CC01016
)	
BSPM TRUSTEES, INC., AND PAMI AUTUMN, LLC,)	Honorable Melvyn W. Wiesman
)	
Appellants.)	Filed: July 21, 2009
)	

PAMI Autumn, LLC (hereinafter, “PAMI”) and BSPM Trustee, Inc. (hereinafter, “BSPM” and referred to collectively as “Appellants”) appeal from the trial court’s judgment in favor of Jewish Center for the Aged (hereinafter, “JCA”) and JCA Support Co. (hereinafter, “JCA Support”) after a bench trial. Appellants raise five points on appeal.

AFFIRMED.

Division Two holds: (1) JCA’s right of first refusal or right of preemption contained in Section 26 of the Ground Lease was a covenant that ran with the land and was binding on PAMI. As such, PAMI’s lien was subject to this right, requiring PAMI to give JCA purchase notice prior to declaring a default and taking possession of the property at issue. (2) None of the letters JCA Support received prior to PAMI’s purchase of the loan constituted purchase notice that complied with the terms of the Ground Lease. (3) It was inconsequential whether JCA Support was the alter ego of JCA in that the letters JCA Support received prior to PAMI’s purchase of the loan were insufficient to constitute purchase notice. (4) The trial court did not abuse its discretion in failing to appoint a receiver to collect rent pursuant to the assignment of rent clause contained in the deed of trust.

Opinion by: George W. Draper III, J.

Roy L. Richter, P.J., and
Lawrence E. Mooney, J.,

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