

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JULIA MATTHEY, Plaintiff/Respondent,	)	No. ED92377
	)	
	)	Appeal from the Circuit Court of St.
	)	Louis County
	)	
ST. LOUIS COUNTY and	)	
ERIC T. TOLEN, Defendant/Appellant.	)	Filed: December 1, 2009
	)	

Eric T. Tolen (Appellant) appeals the trial court’s declaratory judgment, which concluded that Julia Matthey (Respondent) was the rightful owner of 100 Krugerrands in the possession of the St. Louis County Police Department, and ordered the Police Department to deliver the Krugerrands to her.

Appellant argues that the trial court lacked subject matter jurisdiction over Respondent’s declaratory judgment because the adequacy of a legal remedy to Respondent, namely a statutory replevin action, precluded the trial court from asserting its equity jurisdiction.

AFFIRMED

Division Four Holds: The trial court appropriately exercised its equitable jurisdiction because Respondent could not sustain an action in replevin, thus foreclosing her legal remedy. We affirm the trial court.

Opinion by: Kurt S. Odenwald, P.J. George W. Draper III, J. and Roy L. Richter, J., Concur.

Attorney for Appellant: Lawrence J. Fleming

Attorneys for Respondent: Kathy M. Wilke

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