

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ASSET ACCEPTANCE, Respondent,)	No. ED93264
)	
vs.)	Appeal from the Circuit Court
)	of the City of St. Louis
MARJORIE P. LODGE, Appellant.)	Filed: September 28, 2010

Marjorie Lodge (“Lodge”) appeals from the entry of judgment in favor of Asset Acceptance, LLC (“Asset”) on Asset’s petition for breach of contract. Lodge asserts the trial court erred (1) in entering judgment in favor of Asset because Asset lacked standing to sue, (2) in finding there was a contract between Lodge and Asset. Lodge maintains there was not substantial, competent evidence of the specific terms and conditions of the purported agreement, and (3) in admitting into evidence Exhibits 1 and 2 because the documents did not constitute business records of Asset.

REVERSED.

Division Four holds: The trial court erred and abused its discretion in admitting Exhibits 1 and 2 into evidence under the business records exception because the documents were not prepared by Asset but rather were prepared by another entity and transferred to Asset to be of help in Asset’s records. Further, Lodge was prejudiced by the erroneous admission of the documents.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J. and Nannette A. Baker, J., concur.

Attorney for Appellant:

Patric A. Lester

Attorneys for Respondent:

William F. Whealen, Jr. and
Stephen J. Barber

<p>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.</p>
