

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DEBALIVIERE PLACE ASSOCIATION,	)	No. ED93306
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis City
v.	)	Case Number: 22054-02475
	)	
STEVEN VEAL,	)	Honorable Robert H. Dierker, Jr.
	)	
Appellant.	)	Filed: June 22, 2010

Steven Veal (Appellant) appeals from the trial court’s order granting summary judgment in favor of DeBaliviere Place Association (the Association) in its action to collect subdivision assessments and to foreclose assessment liens, and dismissing Appellant’s counterclaims for slander of title and declaratory judgment.

**REVERSED AND REMANDED**

Division Four Holds: The trial court erred in granting summary judgment. Upon de novo review, we find that the Association had no authority to collect subdivision assessments and thus no authority to foreclose on liens filed against Appellant’s property to collect those assessments; and we enter judgment in favor of Appellant on those claims. As to the Association’s remaining quantum-meruit claim and Appellant’s counter claims, there remain disputed issues of material fact. ITT Commercial Fin. Corp. v. Mid-Am. Marine Supply Corp., 854 S.W.2d 371 (Mo. banc 1993).

Opinion by: Gary M. Gaertner, Jr., J.  
Kurt S. Odenwald, P.J., and George W. Draper III, J. concur.

Attorneys for Appellant: Michael A. Garvin

Attorneys for Respondent: Ira Berkowitz, Marvin J. Nodiff

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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