OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

PEACHTREE APARTMENTS, Respondent,	)	No. ED93824
	)	
vs.	)	Appeal from the Circuit Court
	)	of St. Louis County
NORMAN PALLO, Appellant.	)	Filed: July 20, 2010

The defendant, Norman Pallo ("the tenant"), and his counsel appeal from the judgment entered by the Circuit Court of St. Louis County purporting to award attorney's fees to counsel for the plaintiff, Peachtree Apartments ("the landlord"), as a sanction because the tenant filed an allegedly frivolous motion to quash execution.

REMANDED WITH DIRECTIONS TO VACATE JUDGMENT

DIVISION THREE HOLDS: We conclude that the trial court was without jurisdiction to enter its judgment sanctioning the tenant's counsel because the tenant withdrew his allegedly frivolous motion to quash execution as moot before the landlord even filed its motion for sanctions. The trial court purported to enter judgment when it no longer had jurisdiction to do so, and consequently the judgment is a nullity.

Opinion by: Lawrence E. Mooney, J. Glenn A. Norton, P.J. and Mary K. Hoff, J., concur.

Attorney for Appellant: William C. Dunning

Attorney for Respondent: Randall J. Reinker

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.