

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

ASSET ACCEPTANCE LLC, ASSIGNEE) No. ED94619
OF BANK OF AMERICA,) Appeal from the Circuit Court of
Respondent,) Jefferson County
v.) Hon. Stephen Dwight Bouchard
CHRIS SCHAUMANN, Appellant.) FILED: December 14, 2010

OPINION SUMMARY

Chris Schaumann (hereinafter, “Appellant”) appeals from the trial court’s judgment granting Asset Acceptance, LLC’s (hereinafter, “Respondent”) petition to confirm an arbitration award. The trial court confirmed the arbitration award, finding Appellant failed to file a motion to vacate the award in accordance with Section 435.405 RSMo (2000)¹. Appellant claims the trial court erred in granting Respondent’s petition to confirm the arbitration award because: (1) Respondent failed to attach a copy of the arbitration agreement to its petition, (2) Respondent submitted no evidence of its standing to sue, and (3) Appellant did not receive a copy of the arbitration award by personal service or registered mail, or as otherwise provided for by the agreement.

AFFIRMED.

DIVISION II HOLDS: The trial court properly granted Respondent’s petition to confirm the arbitration award. Appellant failed to file a motion to vacate the award as required by Section 435.405. Moreover, Appellant did not meet his burden of demonstrating the invalidity of the award as he failed to cite to the grounds for invalidating the award as denoted in Section 435.405.1.

Opinion by: George W. Draper III, J.

Glenn A. Norton, P.J., and Kathianne Knaup Crane, J., concur.

Attorneys for Appellant: Michael Stoddard

Attorneys for Respondent: William Whealen Stephen Barber

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.

¹ All statutory references are to RSMo (2000) unless otherwise indicated.