

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

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| DEBRY LA NEAR, |) | No. ED96719 |
| |) | |
| Appellant, |) | |
| |) | Appeal from the Circuit Court of |
| v. |) | the County of St. Charles |
| |) | Cause No. 0911-CV08572 |
| CITIMORTGAGE, INC. and |) | Honorable Lucy D. Rauch |
| PRINCIPAL RESIDENTIAL |) | |
| MORTGAGE, INC., |) | |
| |) | |
| Respondents. |) | Filed: March 20, 2012 |

Debry La Near appeals the trial court’s grant of summary judgment in favor of CitiMortgage, Inc. and Principal Residential Mortgage, Inc. Ms. La Near claims the trial court erred in granting summary judgment based on the bona fide purchaser doctrine as there remained genuine issues of material fact regarding each party’s interest in the property.

REVERSED AND REMANDED in part. AFFIRMED in part.

DIVISION TWO HOLDS: The trial court erred in granting CitiMortgage and Principal Residential Mortgage’s motion for summary judgment on Count II, the quiet title claim, because there remain genuine issues of material facts as to when each parties’ interest in the property arose. Such facts are critical to the determination of each parties’ current interest in the property. However, the trial court did not err in granting summary judgment on Count I, the partition claim, because a party cannot maintain a partition suit against herself.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, J., concur.

Attorneys for Appellant Debry La Near: *pro se*
Attorneys for Respondent CitiMortgage, Inc. and Principal Residential Mortgage, Inc.:
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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.