

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ELIZABETH RICHARD,)	No. ED98712
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Steven H. Goldman
WELLS FARGO BANK, N.A., and)	
HSBC BANK, USA, N.A.,)	
)	
Respondents.)	FILED: October 22, 2013

Elizabeth Richard ("Elizabeth") appeals from the trial court's entry of partial summary judgment in favor of Wells Fargo Bank, N.A. ("Wells Fargo") and HSBC Bank, USA, N.A. ("HSBC Bank") on Counts I (declaratory judgment), II (wrongful foreclosure), and VI (to enjoin the unlawful detainer action) in a lawsuit involving a parcel of real property, a promissory note, and a deed of trust. In her first point on appeal, Elizabeth argues that the trial court erred in granting summary judgment in favor of Wells Fargo and HSBC Bank on Count I because the deed of trust was ambiguous and contained a material alteration. In her second point on appeal, Elizabeth claims that the trial court erred in granting summary judgment in favor of Wells Fargo and HSBC Bank on Count II because the deed of trust required the buyer to purchase the real property with cash, and HSBC Bank, the buyer, purchased the property with a credit bid. She further claims that the trial court erred in granting summary judgment in favor of Wells Fargo and HSBC Bank on Count II because Wells Fargo led her to believe that the foreclosure proceedings would be postponed.

AFFIRMED.

Division Three holds: The deed of trust was not ambiguous and did not contain a material alteration. HSBC Bank's purchase of the real property with a credit bid accorded with the law, and the record contradicts Elizabeth's claim that Wells Fargo led her to believe the foreclosure proceedings would be postponed. Therefore, we affirm the trial court's entry of summary judgment on Counts I, II, and VI.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellants: Gregory G. Fenlon

Attorney for Respondent: David T. Hamilton and John H. Kilper

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.