

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

FEDERAL NATIONAL)	No. ED98885
MORTGAGE ASSOCIATION,)	
)	Appeal from the Circuit Court
Plaintiff / Appellant,)	of St. Louis County
v.)	
)	
FIONA WILSON,)	Honorable Sandra Farragut-Hemphill
)	
Defendant / Respondent.)	Filed: July 23, 2013

Appellant Federal National Mortgage Association (Fannie Mae) appeals the judgment of the trial court in an action for unlawful detainer. Fannie Mae argues three points on appeal. First, it claims it introduced uncontradicted evidence of its right to immediate possession of the property under the unlawful detainer statute. Second, it argues that a lease provision in the deed of trust did not grant Respondent a superior right of possession to the property. Finally, it alleges that the notice provided to Respondent was adequate and that she was not entitled to receive written demand following the foreclosure sale.

REVERSED AND REMANDED.

Division Three holds:

- (1) The trial court erred in entering judgment for Respondent because Fannie Mae introduced uncontradicted evidence of its right to immediate possession of the property under the unlawful detainer statute, Section 534.030.
- (2) The trial court erred in entering judgment for Respondent because the deed of trust did not contain a lease provision that grants a superior right of possession to Respondent as a tenant of the property.
- (3) The trial court erred in entering judgment for Respondent because Respondent was provided with adequate notice prior to the foreclosure sale pursuant to Section 443.325.3 and was not entitled to receive written demand for possession of the property.

Opinion by: Angela T. Quigless, J.

Robert G. Dowd, Jr., P.J. and Roy L. Richter, J., Concur

Attorney for Appellant: Eric D. Martin

Attorney for Respondent: Gregory P. White

**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.**