

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

FRANK MORRIS, Respondent,) No. ED99630
) Appeal from the Circuit Court of
vs.) the City of St. Louis
) Honorable Joan L. Moriarty
ROGER WALLACH, Appellant.) Filed: August 12, 2014

Roger Wallach (Defendant) appeals a judgment of the Circuit Court of the City of St. Louis denying his motion to set aside a default judgment in favor of Frank Morris (Plaintiff). Defendant claims that the trial court erred in denying his motion because the default judgment was void.

AFFIRMED.

Division Four Holds: The trial court did not err in denying Defendant's motion to set aside the default judgment because: (1) Plaintiff's amended proof of service complied with the "time, place, and manner of service" requirements of Rule 54.20(a)(2); and (2) Defendant failed to present clear and convincing evidence that the special process server did not serve him.

Opinion by: Patricia L. Cohen, J.
Lisa S. Van Amburg, P.J., and Philip M. Hess, J., concur.

Attorney for Appellant: Richard B. Korn

Attorney for Respondent: Gary M. Siegel

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.