

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

DAVIS R. CONWAY AND SHERI)	No. ED99836
D. CONWAY,)	
)	
Appellants,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	
CITIMORTGAGE, INC. AND FEDERAL)	
NATIONAL MORTGAGE)	
ASSOCIATION, INC.,)	Hon. Jon A. Cunningham
)	
Respondents.)	FILED: December 3, 2013

Davis Conway and Sheri Conway (“the Conways”) appeal from the judgment of the trial court that granted the joint motion of Citimortgage, Inc. and the Federal National Mortgage Association (“Fannie Mae”) to dismiss the Conways’ First Amended Petition for failing to state a claim for relief under the Missouri Merchandising Practices Act (“MPA”).

AFFIRMED

DIVISION ONE HOLDS: The trial court did not err in granting the Motion to Dismiss for Failure to State a Claim under the MPA where the alleged deceptive or unfair practices by CitiMortgage and Fannie Mae in foreclosing on a parcel of real property occurred years after the Conways obtained the mortgage loan from Pulaski Bank. The alleged deceptive or unfair practices in the foreclosure were not done “in connection with” the sale or advertisement of merchandise, namely the obtaining of the mortgage loan, where such actions did not relate to any representations or claims made before or at the time of the initial sales transaction.

Opinion by: Clifford H. Ahrens, Judge Roy L. Richter, Presiding Judge and Glenn A. Norton, Judge.

Attorney for Appellant: Mitchell B. Stoddard

Attorney for Respondent: Amy Jo Thompson

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.