

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

RICHARD HOWARD,

Appellant,

v.

DAVID TURNBULL, NANCY TURNBULL and
TURNBULL INVESTMENTS, LLC,

Respondents.

DOCKET NUMBER WD70989

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: May 4, 2010

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Justine E. Del Muro, Judge

APPELLATE JUDGES

Division One: Karen King Mitchell, Presiding Judge, and Lisa White
Hardwick and Cynthia L. Martin, Judges

ATTORNEYS

James C. Wirken
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Attorney for Appellant,

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Olathe, KS

Attorneys for Respondents.



MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

RICHARD HOWARD,)
)
) **Appellant,**)
)
 v.)
)
) **DAVID TURNBULL, NANCY**)
) **TURNBULL and TURNBULL**)
) **INVESTMENTS, LLC,**)
)
) **Respondents.**)

WD70989

Jackson County

Before Division One Judges: Karen King Mitchell, Presiding Judge, and Lisa White Hardwick and Cynthia L. Martin, Judges

Appellant Richard Howard sued Dave Turnbull, Nancy Turnbull, and Turnbull Investments, LLC, for unjust enrichment. Howard argues that the defendants were unjustly enriched when he pledged collateral (and subsequently paid to have the collateral released) for a loan to Ganin Homes, LLC, an entity owned in part by Turnbull Investments and managed by the Turnbulls. On March 31, 2009, the circuit court entered judgment for the defendants.

AFFIRMED.

Division One holds:

The trial court did not err in finding that, for the purposes of Howard’s unjust enrichment claim, the Respondents did not directly benefit by Howard’s pledge of collateral for the loan made to Ganin Homes. Moreover, the trial court did not err in finding that any indirect benefit to the Respondents was, under the circumstances of this case, not unjust. Therefore, Howard did not meet two essential elements of his claim, and judgment for the defendants below was appropriate.

Opinion by: Karen King Mitchell, Judge

May 4, 2010

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.