

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**K. SHAFINIA**

v.

**DONNA C. NASH, PLATTE COUNTY COLLECTOR**

**APPELLANT,**

**RESPONDENT.**

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DOCKET NUMBER WD72966  
**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: April 10, 2012

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Appeal From:

Platte County Circuit Court  
The Honorable Abe Shafer IV, Judge

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Appellate Judges:

Division Three: James M. Smart, Jr., P.J., Victor C. Howard and Cynthia L. Martin, JJ.

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Attorneys:

Kevin Shafinia, Appellant *pro se*, for **appellant**.

Robert Harold Shaw, Platte City, MO, for **respondent**.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**K. SHAFINIA,**

**APPELLANT,**

**v.**

**DONNA C. NASH, PLATTE COUNTY COLLECTOR,**

**RESPONDENT.**

No. WD72966

Platte County

Before Division Three: James M. Smart, Jr., P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Kevin Shafinia filed a petition in Platte County Circuit Court seeking judicial review of his protest of real property taxes assessed against four parcels of property that he owned. The trial court entered its order granting summary judgment to Respondent Donna C. Nash, Platte County Collector, on the ground that Mr. Shafinia had failed to exhaust his administrative remedies. Mr. Shafinia appealed.

**AFFIRMED.**

**Division Three holds:** Because Mr. Shafinia failed to answer or specifically deny the statements of material fact set forth in Respondent's motion for summary judgment, he is deemed to have admitted them. Those facts demonstrated that Mr. Shafinia failed to exhaust his available administrative remedies, in that he did not exercise his right to appeal the increase in assessed valuation to the Platte County Board of Equalization, and, thus, the circuit court lacked the authority to proceed on the petition for judicial review. The circuit court had jurisdiction to grant summary judgment on that basis, and that judgment is affirmed.

The Respondent's requests that the appeal be dismissed due to briefing deficiencies and for damages for a frivolous appeal both are denied.

Opinion by James M. Smart, Jr., Judge

April 10, 2012

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