

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

VINCENT BURTON,

Appellant,

v.

SS AUTO INC.,

Respondent.

DOCKET NUMBER WD76513

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: April 8, 2014

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Richard T. Standridge, Judge

JUDGES

Division One: Martin, P.J., and Pfeiffer and Mitchell, JJ.

CONCURRING.

ATTORNEYS

Gary Jenkins
Kansas City, MO

Attorney for Appellant,

R. Gregory Harrison
Liberty, MO

Attorney for Respondent.



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

VINCENT BURTON,)
)
) **Appellant,**)
v.) **OPINION FILED:**
) **April 8, 2014**
)
SS AUTO INC.,)
)
) **Respondent.**)

WD76513

Jackson County

Before Division One Judges: Cynthia L. Martin, Presiding Judge, and Mark D. Pfeiffer and Karen King Mitchell, Judges

Vincent Burton appeals the judgment of the Circuit Court of Jackson County, Missouri, finding for defendant SS Auto Inc. after a bench trial on Burton’s petition and awarding Burton nothing. On appeal, Burton claims that the trial court’s judgment was based upon an erroneous declaration and application of the law, in that it depended upon its erroneous conclusion that SS Auto was not required to provide Burton with the title to an automobile that he purchased from SS Auto because Burton had not paid the entire purchase price of the vehicle.

REVERSED AND REMANDED WITH DIRECTIONS.

Division One holds:

Burton’s petition claimed that SS Auto never provided him with the title to the vehicle that Burton purchased from SS Auto, in violation of section 301.210 RSMo, rendering the sale fraudulent and void and necessitating the return of the money that Burton had paid SS Auto for the vehicle. Burton, through uncontested evidence, established a prima facie case of noncompliance with section 301.210, and SS Auto claimed no affirmative defenses to Burton’s claim until the matter was before this court on appeal. Because no affirmative defenses were ever presented to the trial court, there was no legal or factual basis for the trial court’s judgment in favor of SS Auto.

Opinion by: Mark D. Pfeiffer, Judge

April 8, 2014

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