

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

WAYNE AND TINA COOK

APPELLANTS,

v.

BRIAN AND KRISTIE GRIFFITTS

RESPONDENTS.

DOCKET NUMBER WD78821

DATE: September 6, 2016

Appeal From:

Howard County Circuit Court
The Honorable Scott A. Hayes, Judge

Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Danieal H. Miller, Columbia, MO, for appellants.

Stephen M. Murrell, Glasgow, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WAYNE AND TINA COOK,

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No. WD78821

Howard County

Before Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Appellants Wayne and Tina Cook ("the Cooks") appeal from the docket entry entered by the Circuit Court of Howard County denying their Motion to Set Aside Default Judgment. The underlying default judgment was entered against the Cooks with respect to a counterclaim filed by the Respondents Brian and Kristie Griffitts ("the Griffitts"). The Cooks failed to appear in court on two occasions, and, therefore, the Griffitts were granted a judgment of default and awarded damages.

WE DISMISS THE APPEAL

Division Two holds:

- (1) We dismiss the appeal because Rule 74.01(a) requires that an appeal be from a final judgment. To qualify as a final judgment, the order or decree must be in writing, denominated a judgment or decree, and signed by a judge. In this case, all that exists is a docket entry that is not denominated a judgment and not signed by a judge.

Opinion by Gary D. Witt, Judge

September 6, 2016

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