

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JACK MAXAM,
APPELLANT
vs.**

**AMERICAN FAMILY MUTUAL INSURANCE COMPANY,
RESPONDENT**

DOCKET NUMBER WD79408

DATE: OCTOBER 11, 2016

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Joel P. Fahnestock, Judge

Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

Attorneys:

Emery A. Reusch, for Appellant

Jessica R. Beever, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JACK MAXAM, APPELLANT

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, RESPONDENT

WD79408

Jackson County, Missouri

Before Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

Insured brought action against automobile insurer seeking declaratory judgment that he was entitled to underinsured motorist (“UIM”) benefits under automobile insurance policy for vehicle not involved in accident. Insurance company denied benefits pursuant to other owned-vehicle exclusion to UIM coverage in the policy. The Circuit Court, Jackson County, Joel Fahnestock, J., granted judgment in favor of insurer. Insured appealed.

AFFIRMED.

Division Three holds:

- (1) insured is not entitled to UIM benefits under policy where owned-vehicle exclusion to UIM coverage is not ambiguous, and
- (2) no minimum amount of UIM coverage is mandated by the Missouri Motor Vehicle Financial Responsibility Law (“MVFL”).

Opinion by: Edward R. Ardini, Jr., Judge

Date: October 11, 2016

This summary is *UNOFFICIAL* and should not be quoted or cited.