

Evidence of Actual Knowledge Ends Futile Appeal of Reformation and Quiet Title Summary Judgment

Galloway's St. Louis office recently obtained the dismissal of an appeal pending in the Missouri Eastern District Court of Appeals. Galloway Direct Scott Mueller obtained summary judgment in St. Louis County on a reformation and quiet title action as to one lone "holdout" lien holder that sought to capitalize on a mistaken legal description and thus "leap frog" in the lien priority to foreclose in first position. However, Scott Mueller and Anne Kelly were able to demonstrate to an informal Eastern District pre-briefing mediation judge that the documentation and evidence showed incontrovertibly that the appellant "hard money" lender actually knew of and intended its junior lien position. This notice prevented it from benefitting from any technical issues concerning the client's deed of trust and when faced with this scenario the appellant dismissed its appeal.

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