

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT KANSAS CITY  
ASSOCIATE CIRCUIT JUDGE DIVISION**

LEAWOOD VILLAGE LP, )  
                                  ) Plaintiff, )  
vs. )  
                                  ) )  
KJK, INC., )  
                                  ) Defendant. )

Case No. 0616-CV22580  
Division 29

**ORDER**


Now on this date the court takes up for consideration Plaintiff's Motion to Reconsider Order Dated October 17, 2006. The Motion to Reconsider cites the case of *Spino v. Bhakta* in support of the relief requested. *174 S.W.3d 702* (Mo. App. 2005). The court views *Spino* as factually distinguishable and therefore not controlling as to this action. In *Spino*, the action "was filed in the associate division pursuant to Chapter 517 and did not request a specific amount of monetary damages." *Id.* at 704. A default judgment was entered against the defendant in the amount of \$112,750. *Id.* The trial court subsequently reduced the judgment to \$25,000, and the Western District Court of Appeals upheld the reduced amount, holding that the maximum judgment available under Chapter 517 is \$25,000. *Id.* at 710.

In contrast, in this action, Plaintiff's Petition on Contract requests damages in the specific principal sum of \$40,510.38. Per Section 517.011, the provisions of Chapter 517 shall apply to all civil actions "when the sum demanded, exclusive of interest and costs, does not exceed twenty-five thousand dollars." *Section 517.011 RSMo* (2006). From the inception of this action, the sum demanded has exceeded twenty-five thousand dollars, and, therefore, the court concludes that the provisions of Chapter 517 have never applied to this action. The caption of Plaintiff's Petition does not alter this conclusion.

Therefore, Plaintiff's Motion to Reconsider Order Dated October 17, 2006 is hereby DENIED. Further, the court finds that the filing fee of \$55.00 deposited by Plaintiff is insufficient. Per Local Rule 5.1, the filing fee for an Associate Circuit Judge claim over \$25,000 is either \$122.00 with service, or \$100.00 without service. It is hereby ordered that Plaintiff shall deposit an additional \$45.00 filing fee with the court. And further, the court finds that the Associate Division Summons pursuant to Chapter 517 RSMo served upon Defendant on September 6th, 2006 is insufficient. It is hereby ordered that said service is quashed.

IT IS SO ORDERED.

11/15/06  
Date

  
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Judge Margaret L. Sauer

cc: - Louis Wade  
- Kimberly Klein