

NAVIGATING THE UNCERTAINTY: COUNTERCLAIMS IN UNLAWFUL DETAINER ACTIONS IN MISSOURI

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The legal landscape surrounding unlawful detainer actions in Missouri is riddled with uncertainty, particularly when it comes to handling affirmative defenses and counterclaims. And *especially* if those counterclaims and affirmative defenses turn on equitable title defenses. This complexity is highlighted by the conflicting interpretations of key cases such as *Wells Fargo v. Smith* (2013) and *J.C.W. ex rel Webb v. Wyciskalla* (2009). While the Missouri Supreme Court in *Wells Fargo v. Smith* clearly held that defenses involving title or equity are prohibited in unlawful detainer actions, other case law suggests a broader jurisdictional scope for Missouri courts entertaining competing possessory or title rights in an unlawful detainer action.

A Strict Prohibition: Wells Fargo v. Smith (2013)

In *Wells Fargo v. Smith*, the Missouri Supreme Court made it clear: Any defense to an unlawful detainer action involving title or equity is prohibited. The court held that such defenses exceed the statutory scope of issues that may be litigated in an unlawful detainer action under Mo. Rev. Stat. § 534.210. This decision effectively limits the defenses available to defendants in unlawful detainer actions, reinforcing the notion that these proceedings are summary in nature and focus solely on the

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right to possession. The court also upheld the constitutionality of these statutory limitations, emphasizing the streamlined nature of unlawful detainer proceedings. In validating the statutory limitations regarding defenses, be they counterclaims or affirmative defenses, *Wells Fargo v. Smith* and its progeny stand for the proposition that subject matter jurisdiction fails to attach to those prohibited defenses.

A Possible Exception: Mobil I-70 v. Interstate Brands Corp. (2014)

While *Wells Fargo* established a bright-line rule, *Mobil I-70 v. Interstate Brands Corp.* (2014) suggests a potential exception. In this case, the court reiterated the principles from *Wells Fargo v. Smith*, but also acknowledged the potential for counterclaims when additional causes of action are involved. This decision underscores the need for a more definitive ruling to clarify the scope of permissible defenses and counterclaims in unlawful detainer actions. This creates a gray area—could an added claim related to the tenancy or property rights open the door for counterclaims otherwise prohibited under *Wells Fargo*? The ruling leaves this question unresolved, adding to the ongoing ambiguity.

Broad Jurisdiction: J.C.W. ex rel Webb v. Wyciskalla (2009)

Adding another layer of complexity, In *J.C.W. ex rel Webb v. Wyciskalla*, which predated *Wells Fargo*, distinguished between statutory limitations and subject matter jurisdiction. The Missouri Supreme Court emphasized that Missouri courts hold jurisdiction over all civil and criminal matters. Even statutory limitations such as the unlawful detainer statute, when violated, do not wrestle jurisdiction away from the court. This case clarified the concept of jurisdiction, distinguishing between subject matter jurisdiction and personal jurisdiction. This suggests that despite the *Wells Fargo* ruling, courts technically have the authority to hear broader claims, including those involving title and equity—further muddying the waters on what is truly permissible in unlawful detainer cases.

The Municipal Court Twist: City of Kansas City v. New York-Kansas Building Associates (2015)

In *City of Kansas City v. New York-Kansas Building Associates*, the court addressed the issue of jurisdiction in unlawful detainer actions involving municipal ordinances. The court held that while municipal courts have limited jurisdiction, they can still hear certain defenses related to the right of possession. This ruling raises the possibility that different courts may apply jurisdictional rules inconsistently, adding to the overall unpredictability in these cases.

Implications for Future Litigation: Where Do We Go from Here?

The current state of Missouri law on this issue is marked by a lack of clear guidance. The conflicting interpretations of key cases and the procedural complexities involved suggest that Missouri is ripe for a definitive ruling or legislative clarification. Such a resolution would provide much-needed clarity for litigants and courts alike, ensuring a more consistent and predictable application of the law in unlawful detainer actions. Future litigation will likely continue to grapple with these ambiguities until a higher court or the legislature provides clear guidance. Litigants should be prepared to navigate the complexities of these cases, potentially raising jurisdictional arguments and exploring the interplay between different types of claims and defenses. A definitive ruling or

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legislative action is necessary to resolve these ambiguities and provide clear guidance for future cases.

For now, attorneys handling unlawful detainer cases should:

- **Carefully assess defenses and counterclaims** to determine whether they might be challenged under *Wells Fargo*.
- **Monitor how lower courts interpret jurisdiction** in light of *J.C.W. ex rel Webb*.
- **Consider strategic pre-trial motions** to strike prohibited defenses in "pure" unlawful detainer actions.
- **Watch for potential legislative changes** that could provide clarity on the scope of permissible defenses.

Final Thoughts

In conclusion, the handling of counterclaims in unlawful detainer actions in Missouri remains an area of significant legal ambiguity. The decisions in *Wells Fargo v. Smith*, *J.C.W. ex rel Webb v. Wyciskalla*, *Mobil I-70 v. Interstate Brands Corp.*, and *City of Kansas City v. New York-Kansas Building Associates* highlight the conflicting interpretations and procedural complexities that characterize this issue. So, while a pre-trial, dispositive motion seeking to strike a prohibited equity or title defense are well taken in a "pure" unlawful detainer action, it is unclear as to whether the addition of another cause of action, whether related or unrelated to possession and/or title, renders the statutory limitations on defense null. A definitive ruling or legislative action is necessary to resolve these ambiguities and provide clear guidance for future cases.

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