

IN THE CIRCUIT COURT OF GREENE, MISSOURI

MIKE GARNER)
)
Plaintiff,)
)
vs.)
)
AMERICAN PREMIER)
INSURANCE COMPANY,)
)
Defendant.)

Case No. 104CC4545

JUDGMENT

The above-styled cause of action came before the Court on June 21, 2005, on Plaintiff's *Motion for Summary Judgment as to Count 1 of Plaintiff's Petition* and Defendants' *Cross Motion for Summary Judgment*. Plaintiff appeared through Attorney Thomas Morrissey and Defendant appeared through Attorney Jeremy Heslin. The motions for summary judgment by Plaintiffs and Defendants, pursuant to rule 74.04 of the Missouri Rules of Civil Procedure, were presented and argued to the court.

FINDINGS OF FACT

The Court adopts the following facts as stipulated to by the parties and finds as follows:

- 1. American Premier Insurance Company issued a policy of insurance, number 06069001, to Mike Garner as a named insured. (Hereinafter referred to as "the policy".)
- 2. The policy was in full force and effect on May 17, 1997.
- 3. On May 17, 1997, Mike Garner was operating a 1992 Yamaha motorcycle which collided with an "uninsured motor vehicle" as that term is defined in the policy.
- 4. Mike Garner suffered a "bodily injury" as that term is defined in the policy as a result of the March 17, 1997, accident with the "uninsured motor vehicle".

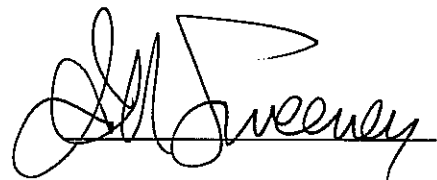
CONCLUSION OF LAW

5. The "motorcycle" exclusion relied upon by Defendant American Premier Insurance Company is void because of the public policy expressed in R.S.Mo. §379.203

6. The policy provides uninsured motorist coverage in the amount of \$25,000.00 per person and \$50,000.00 per accident for the bodily injury of Mike Garner as a result of the May 17, 1997, wreck.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that under policy number 06069001 issued by Defendant American Premier Insurance Company to Plaintiff Mike Garner, that up to \$25,000.00 of uninsured motorist benefits is available for the bodily injury of Mike Garner as a result of the May 17, 1997, wreck in which Mike Garner was struck by a vehicle driven by Eric Dehaven.

Date: 9-19-05



J. MILES SWEENEY