

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

DAVID C. AND HOLLY E. McLEAN,  
et al.,

Plaintiffs,

Case No. 00CV-228530

v.

FIRST HORIZON HOME LOAN  
CORPORATION (f/k/a McGUIRE  
MORTGAGE COMPANY),

Division 16

Defendant.

**ORDER AMENDING  
ORDER CERTIFYING PLAINTIFF CLASS**

This matter comes before the Court on Plaintiffs' January 17, 2003 "Motion to Alter or Amend Order Certifying Plaintiff Class"; and the Court after considering the parties' suggestions both for and against the motion, hereby concludes as follows: (1) as a mortgage lender, Defendant First Horizon Home Loan Corporation (f/k/a McGuire Mortgage) is a "moneyed corporation" within the meaning of § 516.420 RSMo.; (2) because Plaintiffs seek to enforce a liability and/or to recover a penalty or forfeiture from a "moneyed corporation" under the SMLA and § 408.562 RSMo., Plaintiffs' claims are governed by the 6-year statute of limitations contained in § 516.420 RSMo.; (3) because Plaintiffs' claims are governed by a 6-year statute of limitations, the Plaintiff Class as previously defined by the Court in its Order Certifying Plaintiff Class must be redefined to include those persons who obtained a second mortgage loan from Defendant on or after November 16, 1994, rather than November 16, 1997; (5) the Court has the power under Rule 52.08(c)(1) to alter or amend a class action certification order to redefine the class to include additional class members; and (6) the amended definition of the Plaintiff Class as

adopted by the Court does not negate any of the requirements for class certification as stated in Rule 52.08(a) and (b)(3).

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Alter or Amend Order Certifying Plaintiff Class is granted. The Court's Order Certifying Plaintiff Class and the definition of the Plaintiff Class are hereby amended to include all individuals who obtained a second mortgage loan from Defendant on or after November 16, 1994, rather than November 16, 1997. The definition of the Plaintiff Class and the Order Certifying Plaintiff Class shall in all other respects remain unchanged.

Dated: 3-31-03

  
Marco Roldan, Circuit Judge