

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

Nos. 00-3847 and 00-3848

United Fire and Casualty Insurance Company	*	
	*	
	*	
Plaintiff - Appellee,	*	
	*	Appeals from the United States
v.	*	District Court for the
	*	Eastern District of Missouri.
Paul L. Garvey,	*	
	*	[UNPUBLISHED]
Defendant - Appellant,	*	
	*	
Fenton. L.L.C.,	*	
	*	
Intervenor - Appellant.	*	

Submitted: June 11, 2001
Filed: October 4, 2001

Before McMILLIAN, R. ARNOLD, and HALL,* Circuit Judges.

PER CURIAM:

Paul Garvey and Fenton, L.L.C., appeal from the district court's grant of summary judgment in favor of United Fire and Casualty Insurance Company. We

*The Honorable Cynthia Holcomb Hall, United States Circuit Judge for the Ninth Circuit, sitting by designation.

agree with the district court that the “unique” living situation of the Garvey family does not afford Paul Garvey an insurable interest in the subject property.

Appellants, however, suggested in their brief and contended at oral argument that Paul Garvey obtained the insurance on the property as an agent for his parents as undisclosed principals. There is evidence in the record that James Garvey instructed Paul to obtain the insurance, and that Paul did so at his behest. However, the parties have not fully briefed the agency question to this court. Nor has the district court had adequate opportunity to address the issue. Under the circumstances, we believe it best to remand the case for parties to present the issue to the district court in the first instance.

REMANDED.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.