

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

REPAIR MASTERS CONSTRUCTION,)	No. ED91290
INC.)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
WANDA GARY,)	Hon. Michael Stelzer
Defendants/Appellant.)	FILED: March 3, 2009

Wanda Gary (“Homeowner”) appeals from the judgment of the trial court awarding Repair Masters Construction, Inc. (“Contractor”) \$8,473.78 in damages for breach of contract and \$2,000.00 for its attorney’s fees.

REVERSED.

DIVISION THREE HOLDS:

Where there is no agreement or contingency as to price or to the scope of the work, Contractor is not entitled to liquidated damages based on the Service Agreement, which is unconscionable and void. The trial court erred in awarding damages and attorney’s fees to Contractor based on Homeowner’s cancellation of the Service Agreement.

Opinion by: Clifford H. Ahrens, J. Robert G. Dowd, Jr., P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Thomas Carter II

Attorney for Respondent: Jeffrey Robert Schmitt

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**