

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**  
**DIVISION ONE**

|                                     |                                  |
|-------------------------------------|----------------------------------|
| MIDWEST FLOOR COMPANY, Plaintiff, ) | ED92918                          |
| and KELPE CONTRACTING, INC., )      | Appeal from the Circuit Court of |
| Respondent, )                       | St. Louis County                 |
| v. )                                |                                  |
| MICELI DEVELOPMENT COMPANY, )       |                                  |
| MICELI HOLDING COMPANY, WELLS )     |                                  |
| FARGO BANK, HUSCH TRUSTEE, INC., )  |                                  |
| and FIRST NATIONAL BANK OF ST. )    | Hon. Colleen Dolan               |
| LOUIS, Defendants, )                |                                  |
| and RICHARD W. PRECKEL and GAYLE )  |                                  |
| M. PRECKEL, Appellants. )           | FILED: December 29, 2009         |

**OPINION SUMMARY**

This case involves the enforcement of a mechanics' lien filed by a contractor, Kelpe Contracting, against the builder Miceli Development Company, Miceli Holding Company and Miceli Homes, Inc. (Miceli) and the property owners, Richard and Gayle Preckel. The trial court granted summary judgment in favor of Kelpe, ordering Miceli Development and Miceli Holding Company to pay \$127,766.50 for work performed on the property. A lien for the same amount was also levied against the property owned by the Preckels.

The Preckels appeal, arguing the trial court erred in entering summary judgment because genuine issues of material fact existed as to the last day of work and the number of contracts. Further, the Preckels argue that Kelpe failed to file a just and true account of the lien because he improperly included the work of subcontractors, which according to the Preckels is nonlienable.

JUDGMENT AFFIRMED.

DIVISION ONE HOLDS: Points I, II and III are denied. Lien claimants may include the work performed by subcontractors in their mechanics' lien. Further, Kelpe may maintain a single lien for the work performed on the Preckels' property. Finally, there is not a genuine issue of material fact as to the last day of work because the record undisputedly shows that Kelpe's employee performed eight hours of work on March 16, 2007.

Opinion by: Nannette A. Baker, J.  
Kathianne Knaup Crane, P.J. and Clifford H. Ahrens, J., concur.

Attorney for Appellants: Martin Blanchard  
Attorney for Respondent: Patrick Keefe

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| <b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.<br/>IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND<br/>SHOULD NOT BE QUOTED OR CITED.</b> |
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