

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

AMBASSADOR FLOOR COMPANY,)	No. ED93835
Plaintiff, and ROETTGER CONCRETE)	
COMPANY, Respondent,)	Appeal from the Circuit Court of
v.)	Lincoln County
BRUNER BUILDERS LLC, WOOTTEN)	
& WOOTTEN LLC, THOMAS B.)	Hon. Dan Dildine
BURKEMPER, BANK OF OLD MONROE,))	
SHANE C. O'DONNELL, CHRISTINA J.)	Cause No. 08L6-CC00074
FLIEGER, MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEM, INC., JOHN)	
C. PRINSTER and JP MORGAN CHASE)	
BANK NA, Defendants, and SARAH E.)	
ROBINS, PRLAP, INC., BANK OF)	
AMERICA, N.A., ALICE HRABAL,)	
PEOPLES BANK AND TRUST)	
COMPANY, and DALE COPE, TRUSTEE,))	
Appellants.)	FILED: August 31, 2010

OPINION SUMMARY

Sarah Robins (“Robins”), Bank of America, N.A., PRLAP, Inc., Alice Hrabal (“Hrabal”), Peoples Bank & Trust Co., and Dale Cope (collectively “Defendants”) appeal from the trial court’s judgment in the Circuit Court of Lincoln County awarding Roettger Concrete Company (“Roettger”) mechanic’s liens against two residential lots. On appeal, Defendants assert three points of claimed error. In their first and second points, Defendants claim that Roettger failed to prove that it provided the statutorily required notice necessary to impose a mechanic’s lien or that the exception to the notice requirement applied. In their final point, Defendants claim that Roettger failed to prove that it was a Missouri corporation in good standing. We affirm in part and reverse in part.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART.

DIVISION FOUR HOLDS: We affirm the trial court’s judgment as to Roettger’s claims for breach of contract against Bruner Builders, LLC. However, there was not substantial evidence to support the trial court’s judgment that valid mechanic’s liens existed in favor of Roettger. Roettger failed to present any evidence showing that Roettger complied with the notice requirement of Section 429.012 or that the statutory exception to the notice requirement applied.

Opinion by: Nannette A. Baker, J.

Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorneys for Appellant: Martin Blanchard Brandon Rothkopf, Co-Counsel

Attorneys for Respondent: David Hohman

**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.**