

2003

John Homes Construction v. R.A. McKell Excavating : Unknown

Utah Court of Appeals

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June 25, 2004

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HAND DELIVERED
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UTAH APPELLATE COURTS
JUN 25 2004

Re: *Holmes v. McKell*, Case No. 20030707-CA

Dear Ms. Stagg:

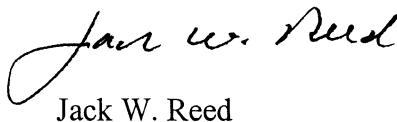
Pursuant to Utah R. App. P. 24(i), appellants R.A. McKell Excavating, Inc. and Rick McKell note the entry of two recent decisions which are pertinent and significant to four issues presented in this appeal.

In *LKL Assocs., Inc. v. Farley, et al.*, 2004 UT 51, ___ P.3d ___ (Utah 2004), the court addressed the definition of "residence" under Utah Code Ann. § 38-11-102 (20). This issue is raised in Appellant's Brief at 16 and Appellant's Reply Brief at 1.

In *R.A. McKell Excavating, Inc. v. Wells Fargo Bank, N.A., et al.*, 2004 UT 48, ___ P.3d ___ (Utah 2004), the court addressed the meaning of "final completion" as used in Utah Code Ann. §§ 38-1-7 & 11 and the implication of a contractor's last furnishing of labor, equipment, materials and services, or the cessation or abandonment of work as triggering events for the recording and foreclosing of a mechanic's lien. These issues are raised in Appellant's Brief at 16 & 21 and Appellant's Reply Brief at 4, 6, 10 & 12.

Sincerely,

PETERSON REED & WARLAUMONT L.L.C.



Jack W. Reed

cc: R.A. McKell Excavating, Inc.
P. Bruce Badger, Esq.