

PRELIMINARY STATEMENT

In this Brief Appellant, Four Square Partnership, will be referred to as "Appellant" or "Four Square". Appellee, Action Mechanical, Inc., will be referred to as "Action Mechanical" and Appellee, Iron Horse Inn, Inc., will be referred to as "Iron Horse". References to the trial transcript will be referred to as "TR" and exhibits will be referred to as "EX".

JURISDICTIONAL STATEMENT

Pursuant to SDCL 15-26A-3(1), Appellant, Four Square Partnership, appeals from Judgment dated and filed with the Lawrence County, South Dakota, Clerk of Courts, Fourth Judicial Circuit on July 27, 2001, with Notice of Entry of Judgment dated October 1, 2001. The Notice of Appeal was filed on November 2, 2001.

STATEMENT OF ISSUES

- I. WHETHER PRINCIPLES OF EQUITY PRECLUDE THE AWARDS TO APPELLEES, ACTION MECHANICAL, INC., AND H & N ELECTRIC.
- II. WHETHER AN AGENCY RELATIONSHIP EXISTED BETWEEN FOUR SQUARE PARTNERSHIP AND IRON HORSE INN, INC., AS A PREREQUISITE TO THE ATTACHMENT OF ACTION MECHANICAL'S LIEN UNDER SDCL 44-9-1.
- III. WHETHER ACTION MECHANICAL'S OVERSTATED LIEN REQUIRES DISMISSAL.
- IV. WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW BY AWARDING PERSONAL JUDGMENTS AGAINST FOUR SQUARE PARTNERSHIP AND IN FAVOR OF ACTION MECHANICAL, INC., AND H & N ELECTRIC.