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NA FORM 13040 (10-86)

ISSUES
OF
FACT

**PRE-TRIAL
MATERIAL**

JOINT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED
JUN 03 1986

EYVON MENDENHALL
U. S. DISTRICT COURT
E. DISTRICT OF MO.

NATIONAL DEVELOPMENT CO., INC.,)

Plaintiff,)

vs.)

No. 86-852C(1)

TRUSTEESHIP OF WOODLAND LAKES,
et al.,

Defendants.

TIME STUDY CASE

Record Time Spent by Judge or Magistrate

STATEMENT OF FACTUAL ISSUES

Come now plaintiff and defendants and state that the following factual issues remain unresolved in this matter:

1. During the April 9, 1985 Property Owners' Meeting, was the Amended Trust Indenture and Restrictive Covenants and Conditions Pertaining to a Subdivision of Land in Washington County, Missouri (hereinafter "Amended Trust Indenture" previously marked Plaintiff's Exhibit 1) duly amended to permit individuals to vote on all business relevant or pertinent to the affairs of Woodland Lakes Subdivision who were purchasing lot(s) under a contract for sale and who had not received a warranty deed for such lot(s)?

2. During the April 9, 1985 Property Owners' Meeting, was the Amended Trust Indenture duly amended to lower the quorum requirement from a majority of the lot owners to 51% of the lot owners present?

3. Were plaintiff's expenditures regarding Woodland Lakes Subdivision sufficient to offset any of the assessments owed by plaintiff to the Trusteeship for any of the lots

owned by plaintiff?

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PRE-TRIAL
MATERIAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
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FILED
MAY 27 1986

EYVON MENDENHALL
U. S. DISTRICT COURT
E. DISTRICT OF MO.

NATIONAL DEVELOPMENT CO., INC.,)
Plaintiff,)
vs.) No. 86-852C(1)
TRUSTEESHIP OF WOODLAND LAKES,)
et al.,)
Defendants.)

COMPLIANCE OF PLAINTIFF WITH
ORDER OF COURT RELATING TO TRIAL

Comes now plaintiff and for its compliance with the
order of Court relating to trial, states as follows:

I. STIPULATION OF UNCONTESTED FACTS

Stipulation of Uncontested Facts is attached hereto.

II. WITNESSES

Plaintiff will call the following witnesses: Ray Bullion
and Dick Erkenbeck. Plaintiff may call one or more of the
following witnesses: Robert Sabinske; Jim Carr; Jim Clutter;
Wayne King and/or Bill Meyer. & KAREN LANCASTER

Furthermore, plaintiff reserves the right to call any
of the witnesses listed by defendants in their compliance
with the order of Court relating to trial.

III. EXHIBITS

Plaintiff will offer the following exhibits:

1. Amended Trust Indenture and Restrictive Covenants
and Conditions pertaining to a Subdivision of
land in Washington County, Missouri.
2. Minutes of Special Property Owners Meeting August
24, 1985.

md
RECEIVED

MAY 27 1986

**LYVON MENDENHALL, CLERK
U. S. DISTRICT COURT
E. DISTRICT OF MO.**

3. Article VII Amendments, dated September 3, 1985.
4. Agenda Property Owners Meeting April 12, 1986.
5. Minutes of Annual Meeting April 12, 1986.

Plaintiff may offer one or more of the following exhibits:

6. Annual Meeting Minutes April 9, 1985.
7. Receipt and Acknowledgment Form.

Plaintiff reserves the right to offer any of the exhibits listed by defendants in their compliance with the order of court relating to trial.

IV. DEPOSITIONS AND INTERROGATORY ANSWERS

Inasmuch as no interrogatories have been propounded, nor any depositions obtained, as of this date, no such items will be offered into evidence.

Plaintiff reserves the right to amend its compliance with the order of court relating to trial if interrogatories are propounded or depositions obtained prior to the trial of this cause.

V. FINDINGS OF FACT/CONCLUSIONS OF LAW/TRIAL BRIEF

Plaintiff's Suggested Findings of Fact, Conclusions of Law and Trial Brief are attached hereto.

A copy of the foregoing mailed this
27th day of May, 1986 to:
Norman Stricker, Attorney for
Defendants.

J. H. Mueller

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