

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAY 27 1986

NATIONAL DEVELOPMENT CO., INC.,)

Plaintiff,)

vs.)

TRUSTEESHIP OF WOODLAND LAKES,)
et al.,)

Defendants.)

No. 86-852C(1)

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

STIPULATION OF FACTS

1. Plaintiff, National Development Co., Inc., (hereinafter "NDC") is a corporation duly organized and existing under the laws of the State of Texas and having its principal place of business in the State of Texas.

2. Defendant, Trusteeship of Woodland Lakes, is a legal entity and has the right to be sued, in accordance with an Amended Trust Indenture and Restrictive Covenant and Conditions Pertaining to a Subdivision of Land in Washington County, Missouri.

3. Defendants James R. Clutter, Wilbert Meyer and William W. King are Trustees of Woodland Lakes and reside in Washington County, Missouri.

4. Plaintiff NDC is a land development company and owns, in fee simple, a substantial amount of ground in Woodland Lakes Subdivision, located in Washington County, Missouri. Plaintiff NDC sells lots and offers for sale lots in the subdivision to prospective purchasers.

5. Defendants have levied an annual assessment on each lot owner, including plaintiff NDC, for the unsold

plotted lots for prior years, and defendants are attempting to levy an assessment for the year 1986, although under the Amended Trust Indenture, that assessment is not to be levied until November 15, pursuant to Article II, paragraph 1(A).

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

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Joseph H. Mueller, No. 17652
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Plaintiff,)

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TRUSTEESHIP OF WOODLAND LAKES,)
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E. DISTRICT OF MO.

No. 86-852C(1)

PLAINTIFF'S SUGGESTED FINDINGS OF FACT

1. Plaintiff, National Development Co., Inc. (hereinafter "NDC") is a corporation duly organized and existing under the laws of the State of Texas and having its principal place of business in the State of Texas.

2. Defendant, Trusteeship of Woodland Lakes, is a legal entity and has the right to be sued, in accordance with an Amended Trust Indenture and Restrictive Covenants and Conditions Pertaining to a Subdivision of Land in Washington County, Missouri.

3. Defendants James R. Clutter, Wilbert Meyer and William W. King are the current Trustees of Woodland Lakes and reside in Washington County, Missouri.

4. Plaintiff NDC is a land development company and owns, in fee simple, a substantial amount of ground in Woodland Lakes Subdivision, located in Washington County, Missouri.

5. In late 1979, plaintiff NDC began selling lots and offering for sale lots in the Woodland Lakes Subdivision to prospective purchasers.

6. On or about May 20, 1980, a Trust Indenture Agreement regarding the Woodland Lakes Subdivision was signed and duly recorded.

7. On or about April 11, 1983, an Amended Trust Indenture was signed and duly recorded as required by the Office of Interstate Land Sales Registration and controlling regulations of the Department of Housing and Urban Development (HUD).

8. Richard L. Erkenbeck, a Vice President of NDC served as Trustee of Woodland Lakes Subdivision until April, 1985 when he was replaced by defendants Jim Clutter, Wayne King, and Bill Meyer.

denied
9. Defendants attempted to enact certain amendments to the Amended Trust Indenture at the August 24, 1985 Special Meeting of Property Owners. Said amendments are set forth in "Article VII-Amendments" as signed and filed on or about September 4, 1985.

denied
10. A majority of property owners was not present at said August 24, 1985 meeting.

11. On or about April 12, 1986, an annual meeting of the property owners of Woodland Lakes Subdivision was held. That defendants denied representatives of NDC the right to vote at said meeting. After the representatives were denied the right to vote at the meeting, the representatives adjourned and did not participate in said meeting.

denied
12. A quorum was ^{NOT} present at the April 12, 1986 annual meeting of the property owners of Woodland Lakes.

13. The defendants attempted to enact certain amendments

to the Amended Trust Indenture at the April 12, 1986 Annual Meeting of the Property Owners of Woodland Lakes. Said purported amendments are set forth in the minutes of the Annual Meeting dated April 12, 1986.

14. Defendants have levied an annual assessment for the year 1986 on each lot owner, including plaintiff NDC, for the unsold platted lots.

15. Plaintiff has made a number of expenditures for improvements, repairs and maintenance of the Woodland Lakes Subdivision. These expenditures exceed the amount due the Trusteeship by NDC for assessments on the unsold platted lots that have been offered for sale.

16. Defendants have commenced the practice of harrassing new property owners or purchasers of property under a contract for deed by threatening to refuse said new owners access to Woodland Lakes Development and the full use and enjoyment of the development, all of which conduct is damaging to plaintiff NDC in that it will lose existing contracts or will not be able to offer for sale and permit inspection of lots to prospective purchasers.

17. Defendants have caused and are continuing to cause irreparable injury to plaintiff NDC by denying them the right to vote at annual and special meetings of the property owners of Woodland Lakes, by attempting to enforce the purported amendments of September 3, 1985, and April 12, 1986, and by levying assessments for the year 1986 prior to November 15, 1986.

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

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