

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAY 19 1986

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

Cause No. 86-0852-C-7

NATIONAL DEVELOPMENT
Co., Inc.,
Plaintiff,

vs.

TRUSTEESHIP OF WOODLAND LAKES
and JAMES R. CLUTTER, Trustee,
WILBERT MEYER, Trustee, and
WILLIAM W. KING, Trustee,
Defendants.

TIME STUDY CASE

Record Time Spent by Judge or Magistrate

APPLICATION FOR LEAVE OF COURTTO FILE ANSWERS AFTER TIME FOR FILING HAS EXPIRED

FILED

MAY 22 1986

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

Comes now Attorney for Defendants, Norman Stricker, and makes application to the court for leave to file his answer in the above entitled cause after the time for filing same has expired. In support of the application, attorney for the Defendants states:

1. That the time for filing said answers expired on May 15, 1986.
2. That Defendant's attorney delayed filing said answer because negotiations were underway between the parties to this action for the purpose of settling the issues in this case by stipulation.

3. That the said negotiations were conducted at the request of the court.

4. That the said negotiations have now failed to produce a settlement.

WHEREFORE, Defendant's attorney prays for a leave of this court to file answers after the time for such filing has expired.

I hereby certify that the statements made herein are true to the best of my knowledge and belief.

Subscribed and sworn to before me
this 19th day of May 1986.

Joyce Johnson
Joyce Johnson
Notary Public

My Commission Expires:

Jan 7, 1989.

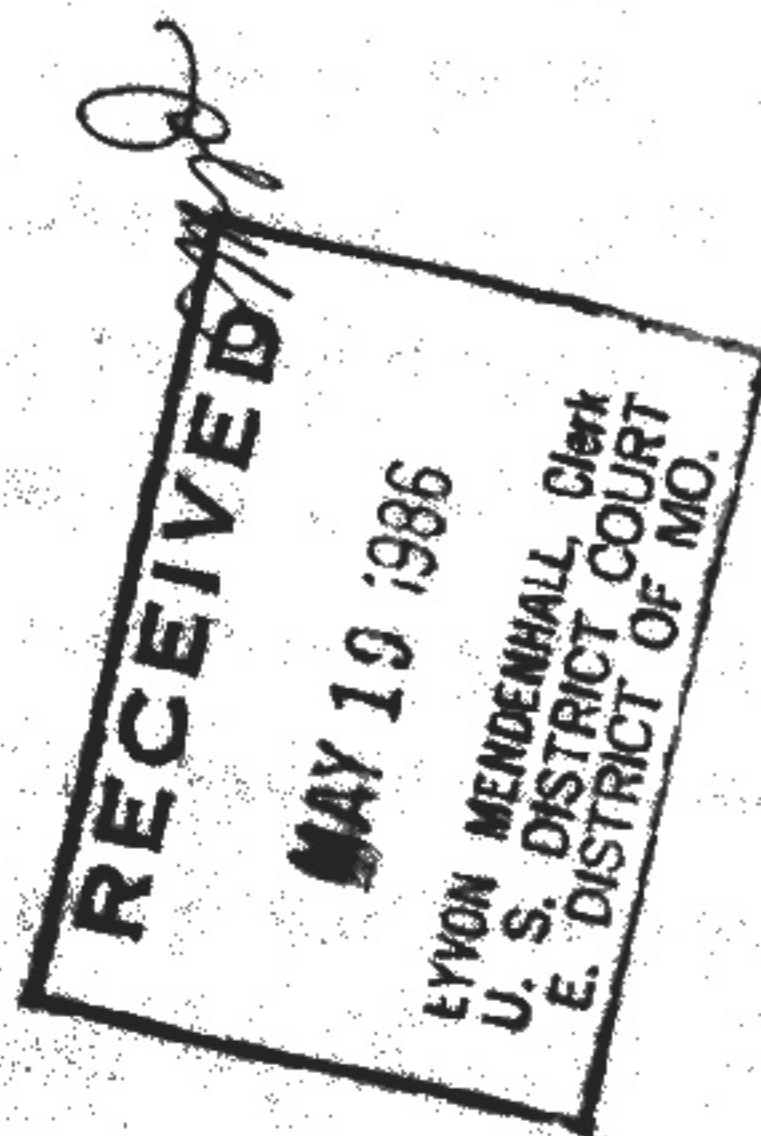
Norman Stricker

Norman Stricker
Norman Stricker #33254
Attorney for Defendant
109 Oak Street
Potosi, Missouri 63664
(314) 438-4062

FILED

JUL 22 1986

U.S. DISTRICT COURT
EAST DISTRICT OF MISSOURI



TIME STUDY CASE

Record Time Spent by Judge or Magistrate

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED ^{CIC}

APR 25 1986

NATIONAL DEVELOPMENT
CO., INC.,

Plaintiff,

vs.

TRUSTEESHIP OF WOODLAND LAKES
and JAMES R. CLUTTER, Trustee,
WILBERT MEYER, Trustee, and
WILLIAM W. KING, Trustee,

Defendants.

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

Cause No.

86-0852-C-3

MOTION FOR TEMPORARY RESTRAINING ORDER

Comes now plaintiff National Development Co., Inc.,
(hereinafter "NDC"), pursuant to Rule 65 and moves this Court
to enter a temporary restraining order against defendants
herein and as grounds for said motion states as follows:

1. 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.
2. Defendants have illegally and unlawfully commenced a
practice of harassing 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.

3. Defendants have levied an annual assessment on each lot owner, including plaintiff NDC, for the unsold platted lots for prior years, and defendants are attempting to levy an assessment for the year 1986, although under the Amended Trust Indenture said assessment is not to be levied until November 15, 1986, pursuant to Article II, paragraph 1(A).

4. That defendants' conduct, as aforesaid, is damaging to plaintiff NDC in that it will lose existing contracts or will not be able to offer for sale at an attractive price to prospective customers because of the additional expense created by the assessment.

5. Defendants attempted to enact certain amendments to the Amended Trust Indenture on September 3, 1985 and on April 12, 1986. Said purported amendments for September 3, 1985 and April 12, 1986 are illegal, void and of no force or effect because they were illegally and invalidly enacted in that a quorum was not present for the meeting, in violation of the Amended Trust Indenture. That plaintiff NDC is suffering damages as a result of the defendants' attempts to enforce the purported illegal amendments of September 3, 1985 and April 12, 1986.

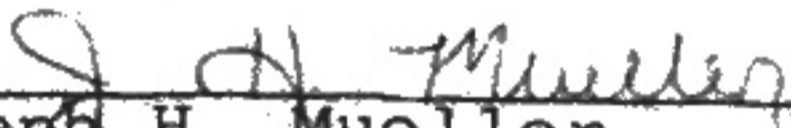
6. Defendants have caused and are continuing to cause irreparable injury to plaintiff NDC by their conduct as set forth above.

7. Plaintiff NDC has no adequate remedy of law by reason of the foregoing and unless defendants are enjoined and restrained

from the conduct set forth in paragraphs 2, 3 and 4, supra, plaintiff NDC will suffer irreparable injury.

WHEREFORE, plaintiff NDC prays that the Court enter a temporary restraining order restraining defendants from harassing and annoying new property owners or purchasers of property under a contract for deed by threatening to refuse said new owners access to Woodland Lakes Subdivision, from levying assessments for the year 1986 prior to November 15, 1986, from enforcing the purported amendments to the Amended Trust Indenture dated September 3, 1985 and April 12, 1986, copies of which are attached to plaintiff's Complaint filed herein.

Copies of the foregoing
mailed this 25th day of April, 1986,
to:


Joseph H. Mueller, No. 17652
Moser, Marsalek, Carpenter,
Cleary, Jaeckel & Keaney
Attorney for Plaintiff
314 N. Broadway, Suite 360
St. Louis, Missouri 63102
421-5364

United States District Court

EASTERN DISTRICT OF MISSOURI

OFFICE OF THE CLERK

1114 MARKET STREET

Saint Louis, Missouri 63101

April 28, 1987

EYVON MENDENHALL
CLERK

PHONE: 314-425-4315
FIS 279-4315

FILED

MAY 05 1987

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

Norran Stricker
Attorney-at-Law
109 Oak Street
Potosi, Missouri 63664

Dear Mr. Stricker:

Your attention is directed to Rule 4(B), (1) and (2), of our Local Court Rules regarding disposition of exhibits, etc., in civil cases which reads as follows:

(1) All models, diagrams, exhibits, or material remaining in the custody of the Clerk shall be taken away by the parties within four months after the case is finally decided, unless an appeal is taken. In all cases in which an appeal is taken, they shall be taken away within thirty days after the filing and recording of the mandate of the appellate court finally disposing of the cause.

(2) When models, diagrams, exhibits or materials in the custody of the Clerk are not taken away within the time specified in the preceding paragraph of this Rule, it shall be the duty of the Clerk to notify counsel in the case, by mail or otherwise, of the requirements of this Rule, and if the articles are not removed within thirty days after such notice is given, the Clerk shall destroy the same or make such other disposition thereof as authorized by the Court.

THE FOLLOWING DESCRIBED EXHIBITS ARE IN OUR CUSTODY: Pltf. Deft. X

Documents, Case #86-852C(3), National Dev. v. Trusteeship of Woodland Lakes, et al

Please check the type of disposition you prefer in one of the squares below.
Sign the form and return to this Court.

☐ Destroy them.

☒ I will call for them. (Bring form with you.)

Signed

Norran Stricker

EYVON MENDENHALL, CLERK

BY:

Janet Olden
Deputy Clerk

Phone 425-5273

Date: 9/8/86

Case No. 86-852C (1)

National Development

TIME STUDY CASE

vs

Trusteeship of Woodland Lakes

Record Time Spent by Judge or Magistrate
Judge: JOHN F. NANGLE

Court Reporter: ANN TAYLOR

Attorney () for Pltff ():

Norman Strick

Attorney () for Deft ():

FILED PL

SEP 8 1986

(+) Parties present for ^{status} ~~hearing on~~ conference

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

(+) Conference had. 10 min.

Attorney present: _____

Proceeding Commenced: _____ Concluded: _____

Ed M. Roney
Deputy Clerk

Date: 6/25/8686-852C (1)National Development Co.

VS

Trustship of Woodland LakeJudge: JOHN F. NANGLECourt Reporter: ANN TAYLOR

Attorney () for Pltff ():

Record Time Spent by Judge or Magistrate

Joseph Muller**FILED**

Attorney () for Deft ():

Norman Stricker

JUN 25 1986

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

- (X) Parties present ~~for hearing on~~ as trial left open for purpose
of admitting exhibits etc.
- (+) Plaintiff's post trial brief filed
Deft's brief filed.
- (X) Cause taken under submission on issues tried to
date. The issue of concessions left open for possible
assignment to a special master in a U.S. Magistrate

Attorney present: _____

Proceeding Commenced: _____ Concluded: _____

W. v. LandCarl M. Ramey
Deputy Clerk

Date: 6/16/86

Case No. 86-852C (1)

National Development Co.

VS

Trusteeship of Woodland Lake

Judge: JOHN F. NANGLE

Court Reporter: ANN TAYLOR

Attorney () for Pltff ():

Attorney () for Deft ():

TIME STUDY CASE

FILED

JUN 16 1986

Record Time Spent by Judge or Magistrate

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

() Parties present for hearing on: _____

(X) Upon request of ~~pltf~~ deft. same cont'd to Wednesday,
June 25, 1986 at 10:00AM.

Attorney present: _____

Proceeding Commenced: _____ Concluded: _____

Paul M. Ramey
Deputy Clerk