

MOSER, MARSALEK, CARPENTER, CLEARY,
JAECKEL & KEANEY
ATTORNEYS AT LAW
314 NORTH BROOKWAY, SUITE 360
ST. LOUIS, MISSOURI 63102-2088
(314) 421-5364

BYRON S. CARPENTER
OF COUNSEL

FRANCIS K. CLEARY 1943-1978
JULIAN C. JAECKEL 1927-1984
S. W. MARSALEK 1938-1983
JOHN B. MARSALEK 1910-1980
W. EDWIN MOSER 1915-1985

FILED

ALSO LICENSED TO PRACTICE IN ILLINOIS

TIME STUDY CASE
April 21, 1986

APR 25 1986

Record Time Spent by Judge or Magistrate

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

LEON
CLEARY*
JAN
DAVIS
STUART*
J. R. NOAKES*
JANE SCHWEITZER*
ERONE C. SIMON*
PETER F. SPATARO*
MARTIN L. PERRON*
BRIAN R. PLESSE*
DANA D. EILERS*
MICHAEL J. McDONNELL
ROBYN GREIFZU FOX*
PHILIP L. WILLMAN*
JOHN R. MANION
JAMES W. REEVES
THOMAS CARTER, II
MARY G. MORGAN
THOMAS J. MAGEE
J. STEVEN ERICKSON
WILLIAM E. PAASCH

Mr. James R. Clutter, Trustee
c/o Woodland Lakes
Route 4,
Sullivan, Missouri 63080

86-0852-C-3

Re: Claim of National Development Co., Inc.
against Trusteeship of Woodland Lakes, James R. Clutter,
Wilbert Meyer, and William W. King for Temporary Restraining
Order, Permanent Injunction, Attorney's fees and Declaratory
Injunction

Dear Mr. Clutter:

Our firm represents National Development Co., Inc., in its
claim against you arising out of your continuing breach of certain
terms and conditions of the Amended Trust Indenture for Woodland
Lakes Subdivision.

It is our client's position that you have breached, and
continue to breach the provisions of the Amended Trust Indenture
by denying new property owners access to Woodland Lakes, by levying
assessments for 1986 prior to November 15, 1986, and by attempting
to enforce invalid amendments to the Amended Trust Indenture, thereby
resulting in irreparable harm and injury to our client.

You are hereby notified that on Friday, April 25, 1986, we
will cause to be filed a Motion for a TRO with the United States
District Court for the Eastern District of Missouri, Eastern Division,
at approximately 10:00 a.m., in the Clerk's office of the U. S.
District Court, 1114 Market Street, St. Louis, Missouri. At that time,
we will ask the judge to enter a temporary restraining order enjoining
you from 1) harassing and annoying new property owners or purchasers of
property under a contract for a deed by threatening to refuse said new
owners access to Woodland Lakes Subdivision; 2) levying assessments

National Development vs.
Trusteeship of Woodland Lakes
April 21, 1986
Page two

for the year 1986 prior to November 15, 1986; and 3) attempting to enforce the purported amendments to the Amended Trust Indenture dated September 3, 1985 and April 12, 1986. We will also ask that the judge set a date in the near future for a permanent injunction in these regards by ordering you to show cause why a permanent injunction should not be granted on the same terms.

Very truly yours,

J. H. Mueller

Joseph H. Mueller

JHM/mr

bcc: Mr. Duke W. Ponick
Mr. Rob Bullion

JOSEPH MARSALEK, CARPENTER, () ARY,
JAECKEL & KEANEY
ATTORNEYS AT LAW
314 NORTH BROADWAY, SUITE 360
ST. LOUIS, MISSOURI 63102-2088
(314) 421-5364

JOSEPH E. CARPENTER
OF COUNSEL

FRANCIS E. O'LEARY 1927-1978
JULIAN D. JAECKEL 1927-1984
S. W. MARSALEK 1928-1983
JOHN E. MARSALEK 1910-1980
W. EDWIN MOSEY 1918-1980

*ALSO LICENSED TO PRACTICE IN ILLINOIS

April 21, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Wilbert Meyer, Trustee
c/o Woodland Lakes
Route 4,
Sullivan, Missouri 63080

Re: Claim of National Development Co., Inc.
against Trusteeship of Woodland Lakes, James R. Clutter,
Wilbert Meyer, and William W. King for Temporary Restraining
Order, Permanent Injunction, Attorney's fees and Declaratory
Injunction

Dear Mr. Meyer:

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claim against you arising out of your continuing breach of certain
terms and conditions of the Amended Trust Indenture for Woodland
Lakes Subdivision.

It is our client's position that you have breached, and
continue to breach the provisions of the Amended Trust Indenture
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National Development vs.
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April 21, 1986
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J H Mueller

Joseph H. Mueller

JHM/mr

bcc: Mr. Duke W. Ponick
Mr. Roy Bullion

PARKS & CARPENTER
ROBERT E. KEANEY
JOSEPH H. MUELLER
F. DOUGLAS O'LEARY
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DAVID L. EWART
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MARY G. MORGAN
THOMAS J. MAGEE
J. STEVEN ERICKSON
WILLIAM E. PAASCH

OSER, MARSALEK, CARPENTER, / TARY,
JAECKEL & KEANEY
ATTORNEYS AT LAW
314 NORTH BROADWAY - SUITE 380
ST. LOUIS, MISSOURI 63102-2088
(314) 421-5364

BYRON S. CARPENTER
OF COUNSEL

FRANCIS E. CLEARY (947-1875)
JULIAN C. JAECKEL (827-1884)
S. W. MARSALEK (838-1863)
JOHN E. MARSALEK (810-1880)
W. EDWIN MOSER (815-1881)

*ALSO LICENSED TO PRACTICE IN ILLINOIS

April 21, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William W. King, Trustee
Route 1, Box 2162
Potosi, Missouri 63664

Re: Claim of National Development Co., Inc.
against Trusteeship of Woodland Lakes, James R. Clutter,
Wilbert Meyer, and William W. King for Temporary Restraining
Order, Permanent Injunction, Attorney's fees and Declaratory
Injunction

Dear Mr. King:

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claim against you arising out of your continuing breach of certain
terms and conditions of the Amended Trust Indenture for Woodland
Lakes Subdivision.

It is our client's position that you have breached, and
continue to breach the provisions of the Amended Trust Indenture
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Very truly yours,

J. H. Mueller
Joseph H. Mueller

JHM/mr

bcc: Mr. Duke W. Ponick
Mr. Roy Bullion

86-0852-C-3

Natl Development
vs.

No. _____

United States District Court

Eastern District of Missouri

Trustship Woodland
Lakes et al

, 19 _____

MEMORANDUM FOR CLERK

L. Wickett & Mueggen will
accept service on behalf
of all Trustees of Woodland
Lakes Subdivision

FILED ^{ck}

TIME STUDY CASE

APR 25 1986

Record Time Spent by Judge or Magistrate

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

314-468-3013

Wickett & Mueggen
Woodland Lakes Plaintiff
Box 24 Attorney's for
Sullivan, Mo 63080 Defendant

(JFM)-

Date: 4/25/86

86-852C(1)

National Development

vs

Trusteeship of Woodland Lake, etc

Judge: JOHN F. NANGLE

Court Reporter: ANN TAYLOR

Attorney () for Pltff ():

FILED

Attorney () for Deft ():

APR 25 1986

Trustee present

Wilbert L. Meyer

(X) Pltff & trustee
Persons present for hearing on: TRO

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

(X) TRO granted.

(A) Hearing on preliminary injunction set for
May 5, 1986 at 9:00 AM.

(A) Bond for pltff set at 10,000.00 by the Court.

Attorney present: _____

Proceeding Commenced: 10:32 AM Concluded: 11:16 AM

Paul M. Rowley
Deputy Clerk

TIME STUDY CASE

CIVIL COVER SHEET

FILED

3 Summons 20 Day
APR 25 1986

This cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

PLAINTIFFS

NATIONAL DEVELOPMENT CO., INC.,
a Texas Corporation,

29221

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Wash. Co.
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

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

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

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Joseph H. Mueller,
Moser, Marsalek, Carpenter, Cleary,
Jaekel & Keaney, 314 North Broadway
St. Louis, MO 63102
421-5364

ATTORNEYS (IF KNOWN)

86-0852-C-3

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☒ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. CAUSE OF ACTION

CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.

Action by corporation against Trustees for injunctive relief and declaratory judgment that certain purported amendments to a trust indenture are invalid.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☒ 160 Stockholders' Suits ☐ 170 Other Contract ☐ 180 Contract Product Liability	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury PERSONAL INJURY ☐ 362 Personal Injury-Med Malpractice ☐ 365 Personal Injury-Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage-Product Liability	☐ 610 Agriculture ☐ 620 Food & Drug ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	☐ 422 Appeal ☐ 423 Withdrawal ☐ 424 USCA 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395m) ☐ 862 Black Lung (923) ☐ 863 DRWC (4054g) ☐ 864 DRWW (4082g) ☐ 865 SSID Title XVI ☐ 866 RCI (4054g) FEDERAL TAX SUITS ☐ 870 Taxes ☐ 871 100-Third Party ☐ 875 Customer Challenge ☐ 12 USC 3416	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commercial/Consumer ☐ 460 Deportation ☐ 810 Selective Service ☐ 850 Securities/Commodities Exchange ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes ☐ 990 Other Statutory Actions
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Accommodations ☐ 444 Welfare ☐ 445 Other Civil Rights PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence ☐ 520 USC 2255 ☐ 530 Habeas Corpus ☐ 540 Mandamus & Other ☐ 550 Civil Rights			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) (See Instructions) IF ANY

JUDGE

DOCKET NUMBER

DATE April 21, 1986

SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44A, B or C

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs - Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a Government Agency, using only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved).

(c) Attorneys. Enter firm name, address, telephone number, and attorney of record. If there are several attorneys list them on the reverse side, noting in this section "(see reverse)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8 (a), F.R.C.P. which requires that jurisdiction be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an X in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331 where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, and act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence and box 1 or 2 should be marked.

Diversity of citizenship. (4) (JS-44A, or C only) This refers to suits under 28 U.S.C. 1332 where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below). (Federal question actions take precedence over diversity cases.)

Local Question. (5) (JS-44B only) Check this box for proceedings under local civil law.

III. Residence (citizenship) of Principal Parties (JS-44A and C only) or Remarks. (JS-44B only) This section of the JS-44A or JS-44C is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party. This section of form JS-44B may be used for remarks.

IV. Cause of Action. Report the civil statute under which you are filing and give a brief description of the cause.

V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action description, in Section 5 above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand and the filing date.

Reinstated or Reopened. (4) Check this box for cases reopened or reinstated in the district court. Use the reopening date as the filing date.

Transferred from Another district. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate's decision.

VII. Requested in Complaint: Class Action. Place an "X" in this box if you are filing a class action under Rule 23 F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Remarks (JS-44A only) or Related Cases. (JS-44C only). This section of form JS-44A may be used for remarks. This section of the JS-44C is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.