

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, MISSOURI
AT POTOSI, MISSOURI DIVISION**

Woodland Lakes Trusteeship, Inc.)	
)	
Plaintiff,)	
vs.)	Cause No. 12WA-CC00410
)	Incorrectly Transferred from
David Campbell [Unknown Party])	
)	Crawford County Circuit Court
and)	as Case 12CF-CC00030
)	
Catrenia Campbell,)	
Defendant.)	

**OBJECTION EXHIBITS ONE THROUGH FIVE TO ACCOMPANY
10/21/15 NOTICES AND OBJECTIONS**

1. Page 17 from 07/20/15 Motion Hearing Transcript
2. Page 2 from 09/21/15 Motion Hearing Transcript
3. Page 3 from 09/21/15 Motion Hearing Transcript
4. Page 4 from 09/21/15 Motion Hearing Transcript
5. Page 8 from 07/20/15 Motion Hearing Transcript

1 question it looked like in your eyes, towards him.

2 THE COURT: Don't, don't talk to me like that.

3 DAVID CAMPBELL: Yes, ma'am.

4 THE COURT: I'm the Court.

5 DAVID CAMPBELL: Yes, ma'am.

6 THE COURT: That's all for today.

7 * * * * *

8 CONCLUSION OF PROCEEDINGS

9 * * * * *

MOTION HEARING

SEPTEMBER 21, 2015

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(The following was heard in Washington County Circuit Court, Division II, Potosi, Missouri, the Honorable Wendy Wexler-Horn presiding:)

THE COURT: For the record the Court calls Woodland Lakes Trust vs. David and Catrenia Campbell, Cause No. 13WA-CC00410. In this case plaintiff appears by Mr. Damian Struzzi. The defendants, David and Catrenia Campbell appear not.

I will say first of all that the Court made it very clear that a number of motions that were pending were going to be called up and taken up on today's date.

However, I do see that the defendants have filed a Motion for Continuance, requesting that these matters not be taken up today.

Mr. Struzzi, what is your position on the defendants' Motion to Continue?

MR. STRUZZI: Judge, the defendants' Motion to Continue is based on a court case that they apparently have in Florida. That case is on Wednesday.

I believe the Court has full realm to decide to grant or not grant a Motion to Continue. I've cited a Supreme Court case in my objection to their Motion to Continue, and I would

1 ask the Court deny that motion today given the length of time
2 they've had to respond to my summary judgment motion.

3 THE COURT: Motion to Continue is hereby
4 overruled and denied. I called you plaintiff by accident. I
5 apologize for that, Mr. Struzzi. All right. Motion to
6 Continue is hereby denied.

7 Okay. What are the matters that we need to take up here
8 today?

9 MR. STRUZZI: Judge, the plaintiff's summary
10 judgment is before the Court. I filed a supplemental
11 additional uncontroverted facts pursuant to the rule. The
12 defendants attempted to respond by filing a purported answer.
13 The answer does not cite to the record, and it also makes
14 general allegations throughout which I believe is
15 ineffective, and that all of my allegations before the Court
16 on the summary judgment are right for consideration.

17 I filed a Motion for Leave to Amend my statement of
18 uncontroverted facts by interlineation. Number six had a
19 typographical error in it. To make the record clean, I would
20 ask the Court just -- I would withdraw that statement of number
21 six.

22 And that statement was denied by the defendants anyway,
23 so they're not prejudiced by that paragraph. I believe that
24 summary judgment can be made without that paragraph.

25 Furthermore, they've asked leave to file an amended

1 answer. They filed their amended answer well out of time. I
2 would ask the Court deny that leave and just consider the
3 pleadings before the Court. And I believe the Court can enter
4 judgment today. The defendants were given notice of the
5 summary judgment hearing and have failed to appear.

6 THE COURT: All right. And for the record I
7 think your Motion for Summary Judgment is with respect to their
8 counterclaim? Is that all correct?

9 MR. STRUZZI: It's with respect to their
10 counterclaim and one count of my petition, Judge, which is
11 essentially just for assessments. Since they owe assessments
12 we are arguing that they're not in good standing. According
13 to the indentures they're allowed to be denied ingress and
14 egress into the subdivision, which defeats all of their
15 counterclaims.

16 If the Court enters a judgment for the assessments, I've
17 been given authority by my clients to dismiss counts -- the
18 remaining counts in my petition to clarify this entire case
19 and enter judgment on all remaining issues.

20 THE COURT: All right. Motion for Summary
21 Judgment in this case is hereby granted. Please prepare a
22 proposed judgment for me to review.

23 MR. STRUZZI: Thank you, Judge.

24 THE COURT: Okay. Anything else to take up
25 today?

1 compulsory counterclaims that were filed since the summary
2 judgments were pending.

3 I would ask that they be denied. It's been pending for
4 two years. Summary judgment is pending. The case has
5 already been set for trial. I believe those were noticed up
6 for today as well.

7 CATRENIA CAMPBELL: Your Honor, the law says
8 that permissive counterclaims may be filed at any
9 qualification. They were filed before the summary judgment
10 motion.

11 THE COURT: I want to take this up. This is
12 what I want to do. I'm announcing, again, when I reviewed this
13 file a week or so ago you had not yet filed and I had not seen
14 your answers to summary judgment. It is now -- they have
15 properly answered the Motion for Summary Judgment which I will
16 take a look at and spend a little bit more time.

17 So this is what I want to do. I want to take your Motion
18 to Dismiss under advisement. I want to take another look at
19 your pleadings that have been filed and take this under
20 advisement.

21 I'm going to pass it. Again, I know that you all are
22 coming from far away, but you keep telling me you're going to
23 have an attorney, okay. You keep telling me you're going to
24 have an attorney. If you do, the attorney can come in your
25 place. Otherwise, I am better to see you here on August 17.

The undersigned hereby certifies that a true and correct copy of:

**OBJECTION EXHIBITS ONE THROUGH FIVE TO ACCOMPANY
10/21/15 NOTICES AND OBJECTIONS**

has been mailed via United States first class mail this 21st day of October, 2015, to:

Woodland Lakes Trusteeship, Inc.
Attn: Damian Struzzi, Attorney At Law
% Baylard, Billington, Dempsey & Jensen, P.C.
30 South McKinley
Union, Missouri 63084

Service has also been sent to the following email addresses:

struzzi@bbd-law.com	nancy@bbd-law.com and	jim@eckelkampuenzel.com
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Signed this 21st day of October, 2015.

Respectfully Submitted,

By: _____
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