

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON
STATE OF MISSOURI

WOODLAND LAKES
TRUSTEESHIP, INC.

Plaintiff

VS.

CAROL ANN ANDERSON,
GLENDA M. ANDERSON,
JOHN KLASS,
RUSS RICHARDS,
JEANETTE SELLERS,
LAWRENCE DEIS,
ROBERT MURPHY,
FRANK DARIAN,
LINDA WADE,
DANA PINION,

and

MICHELLE SKAGGS

Defendants,

Cause No. 08WA-CC00527

Division No. III

FILED

___ O'clock ___ Minutes ___ M.

JUN 26 2009

By Patricia J. Boyer

APPLICATION FOR CHANGE OF JUDGE

COME NOW Defendants, by and through counsel, and pursuant to RSMo. §517.061, requests a change of judge from Division III.

I. RSMo. §517.061 states, in cases before associate circuit judges, change of judge shall be for the same reasons and in the same manner as provided in the rules of civil procedure except that the application shall be filed not later than five days before the return date of the summons. If the cause is not tried on the return date but continued and if all parties are given fifteen days advance notice of a trial setting before the particular judge, then any application for change of judge shall be made not later than five days before the date set for trial.

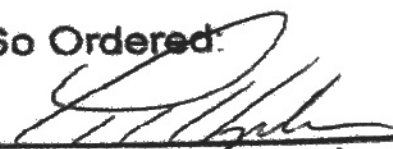
2. This matter was not tried on the return date, and a trial date has not yet been set.

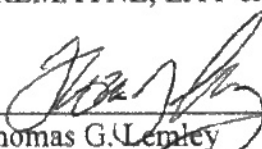
3. Pursuant to Local Rule 6.5, Defendants further state that no trial or hearings are pending.

WHEREFORE, Defendants respectfully request this Court enter an Order granting Defendant's Application for Change of Judge, transferring this matter to another division, and for any such other and further relief as this Court deems necessary and proper under the circumstances.

TREMAYNE, LAY & COLEMAN, LLP

So Ordered:

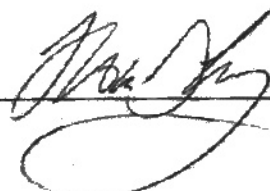

Troy K. Hyde, Judge
Washington Co. Missouri
Dated: 6/26/09


Thomas G. Lemley
Attorney for Defendant
7777 Bonhomme Avenue, Suite 1600
Clayton, Missouri 63105
314-863-4151 Telephone
314-863-0720 Facsimile

MBE# 34570
35470

*Cause Certified to Presiding
Judge for Assignment*
6/26/09
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by depositing such, postage prepaid, regular US mail, this 25 day of June, 2009 to David L. Baylard, Attorney for Plaintiff, 30 South McKinley, Union, Missouri 63084.



IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON
STATE OF MISSOURI

WOODLAND LAKES
TRUSTEESHIP, INC.

Plaintiff

VS.

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JEANETTE SELLERS,
LAWRENCE DEIS,
ROBERT MURPHY,
FRANK DARIAN,
LINDA WADE,
DANA PINION,

and

MICHELLE SKAGGS

Defendants,

Cause No. 08WA-CC00529

Division No. III

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following were submitted via e-mail in Word 2003 format to the e-mail address dbaylard@bbd-law.com, and deposited in the US mail, postage prepaid, this 25th day of June, 2009, to Mr. David L. Baylard, Attorney for Plaintiff, 30 South McKinley, Union, Missouri 63084.

1. Defendants' First Request for Production Directed to Plaintiff, and
2. Defendants' First Interrogatories Directed to Plaintiff.

TREMAINE, LAY & COLEMAN, LLP

By: 

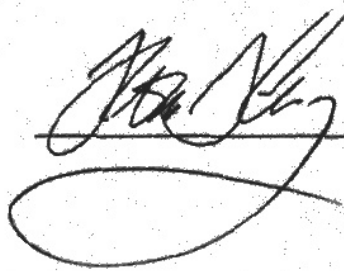
Thomas G. Lemley, MBE #35470
Attorney for Defendants
7777 Bonhomme Ave, Suite 1600
Clayton, Missouri 63105

FILED
O'clock
JUN 26 2009
Minutes
M.

(314) 863-4151 telephone
(314) 863- 0720 facsimile

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A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be "J. L. Baylard".

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON
STATE OF MISSOURI

FILED
O'clock _____ Minutes _____ M.
JUN 26 2009

By Patricia J. Boyer

WOODLAND LAKES
TRUSTEESHIP, INC.

Plaintiff

VS.

Cause No. 08WA-CC00527

Division No. III

CAROL ANN ANDERSON,
GLENDA M. ANDERSON,
JOHN KLASS,
RUSS RICHARDS,
JEANETTE SELLERS,
LAWRENCE DEIS,
ROBERT MURPHY,
FRANK DARIAN,
LINDA WADE,
DANA PINION,

and

MICHELLE SKAGGS

Defendants,

DEFENDANTS' ANSWER AND COUNTERCLAIM

COMES NOW Defendants, Carol Ann Anderson, Glenda Anderson, John Klass, Russ Richards, Jeanette Sellers, Lawrence Deis, Robert Murphy, Frank Darian, Linda Wade, Dana Pinion and Michelle Skaggs, by and through their attorneys, Thomas G. Lemley and Tremayne, Lay and Coleman, LLP, and for their Answer and Counterclaim state and inform the Court as follows:

ANSWER

1. Defendants are without sufficient information to admit or deny the allegations in Plaintiff's allegation in paragraph 1 and therefore deny such allegations therein.
2. Defendants deny the allegations in paragraph 2 of Plaintiff's petition.

3. Defendants are without sufficient information to admit or deny the allegations in Plaintiff's allegation in paragraph 3 and therefore deny such allegations therein.

4. Defendants admit they are lot owners in Wood Lakes Subdivision, but deny the remainder of Plaintiff's allegations in paragraph 4 of Plaintiff's petition.

5. Defendants deny the allegations in paragraph 5 of Plaintiff's petition.

6. Defendants deny the allegations in paragraph 6 of Plaintiff's petition.

7. Defendants deny the allegations in paragraph 7 of Plaintiff's petition.

8. Defendants deny the allegations in paragraph 8 of Plaintiff's petition.

9. Defendants deny the allegations in paragraph 9 of Plaintiff's petition.

WHEREFORE, Defendants pray this Honorable Court for judgment against Plaintiff and in favor of Defendants on Plaintiff's petition and for such other and further relief as the court deems just and equitable in the circumstances.

COUNTERCLAIM – DECLARATORY JUDGMENT

COMES NOW Defendants, by and through their attorneys, and for Count 1 of their Counterclaim against Plaintiff state and inform the court as follows:

1. Defendants are owners of various lots in the Woodland Lakes Subdivision located in Washington County, Missouri.

2. Plaintiff is an improperly operating entity which consists of a board that has been improperly elected in that the procedures requiring for recall elections for a board, election of board members and ballot counting as described in the Indentures and Woodland Lakes Standard Operating Procedures were not followed.

3. Defendants are the owners of lots or in the Woodland Lakes Subdivision and are entitled to vote on all matters and participate in all meetings of the lot owners.

4. That on or about April 12, 2008, Woodland Lakes Trusteeship, Inc. held a semi-annual meeting of lot owners.

5. That at the April 12, 2008 meeting, a purported recall of board member Lawrence Deis was attempted and a new board allegedly installed.

6. That on or about October 11, 2008, Woodland Lakes Trusteeship, Inc. held a semi-annual meeting of lot owners.

7. That several of the Defendants named herein, following the same procedures that the members of the present, improperly installed board utilized, recalled board members and elected new members.

8. That Defendants, Frank Darian, Larry Deis, Robert Murphy, Jeanette Sellers, Russ Richards, Linda Wade and John Klass were elected as board members at the October, 2008, meeting utilizing the same procedures used to put in place the board on April 12, 2008.

9. In addition, Defendants, Frank Darian, Larry Deis, Robert Murphy, Russ Richards, Linda Wade and John Klass did present at least twelve (12) notarized signatures of lot owners requesting that a recall vote of Board Members be conducted.

10. That there exists a dispute and controversy over the interpretation and application of the Trust Indentures.

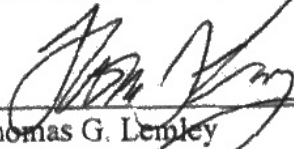
11. That Plaintiff has acted with malice and reckless disregard to the rights of the Defendants.

12. That defendants have incurred legal fees in defense of suit in the amount of \$2,300.

13. That Defendants/Counterclaimants have no adequate remedy at law.

WHEREFORE, Defendants/Counterclaimants pray this Honorable Court to declare the meaning of the Trust Indentures, to declare the proper Members of the Board of Trustees of Plaintiff, to award Defendants legal fees and a judgment against Plaintiff for the payment of such, and for such other and further relief as the Court deems just and proper in the circumstances.

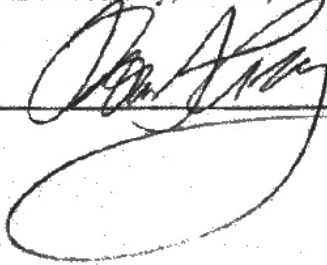
TREMAYNE, LAY & COLEMAN, LLP



Thomas G. Lemley MBE# 34570
Attorney for Defendants
7777 Bonhomme Avenue, Suite 1600
Clayton, Missouri 63105
314-863-4151 Telephone
314-863-0720 Facsimile

CERTIFICATE OF SERVICE

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FILED

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By Patricia J. Boyer

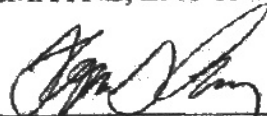
ENTRY OF APPEARANCE

COME NOW Thomas G. Lemley and Tremayne, Lay & Coleman, LLP and enter
their appearance on behalf of Defendants.

Respectfully Submitted,

TREMAINE, LAY & COLEMAN, LLP

By



Thomas G. Lemley, MBE #35740
Attorney for Defendant 35470
7777 Bonhomme Ave., Suite 1600
Clayton, Missouri 63105
(314) 863-4151
(314) 863-0720 Fax

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