

In the Circuit Court
Of Washington County, Missouri
Division _____

FILED
O'clock _____ Minutes _____ M.

JUN 02 2009

Woodland Lake Trusteeship By Patricia J. Rogers

VS.

Carol Anderson et al

No. 02WA-CC00527

June 2 2009

MEMORANDUM FOR CLERK

The Court, being advised in the premises,
on motion Defendants' Motion to Dismiss
Cause placed on the Court July 2, 2009
P 9:00 A.M. for setting Check to Grand Jurors

So ordered!

[Signature]

6/2/09

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*Copy sent to D. Baylard
& Jerome Coleman on
6-02-09.

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: JOHN KLASS

Alias:

RT 1 BOX 79
KANE, IL 62054

COURT SEAL OF



WASHINGTON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 2, 2008

Date

Patricia J. Boyer

Circuit Clerk By:

Further Information:

Morgan Adams

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is CHIEF DEPUTY SHERIFF of GREENE County, ILLINOIS (state).
- I have served the above summons by: (check one)

- ☒ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other (describe) _____

Served at RRI Box 79 KANE, IL 62054 (address)
in GREENE County, ILLINOIS (state), on _____ (date) at _____ (time).
CHIEF DEPUTY SHERIFF Name of Sheriff or Server
Patricia J. Boyer Signature of Sheriff or Server



Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

I am: (check one)

- ☒ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

Patricia J. Boyer
Signature and Title

Service Fees, if applicable

Summons \$ 40.00
Non Est \$ _____
Mileage \$ 18.00 (18 miles @ \$ 1.00 per mile)
Total \$ 58.00

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

Plaintiff,)
) Cause No. 08WA-CC00527
vs.)
) Division No. III
CAROL ANN ANDERSON, et al.)
)
Defendants.)

CERTIFICATE OF FILING

COMES NOW David L. Baylard, Attorney for Plaintiff, and hereby files the following
with the Court:

- Sheriff's Return of Summons for Defendant John Klass

BAYLARD, BILLINGTON, DEMPSEY & JENSEN, P.C.

By: 

DAVID L. BAYLARD - #25595
30 SOUTH MCKINLEY
UNION, MO 63084
UNION LINE: 636-583-5103
ST. LOUIS LINE: 636-938-6500
FAX LINE: 636-583-1877
E-MAIL: dbaylard@bbd-law.com
ATTORNEY FOR PLAINTIFF

THIS IS TO CERTIFY that a copy of the above and foregoing was mailed this 28th day of
May, 2009, to Mr. Jerome C. Coleman, Attorney for Defendants, 777 Bonhomme Avenue, Suite
1600, Clayton, MO 63105.


DAVID L. BAYLARD

Carol Anderson, et al.

Defendant(s)

ATTORNEY OR PARTY REQUESTING

David L. Baylard

ADDRESS

30 S. McKinley, Union, MO 63084

TELEPHONE

636-583-5103

DEFENDANT'S ATTORNEY

Jerome C. Coleman

ADDRESS

7777 Bonhomme Ave., Ste. 1600,

Clayton, MO 63105

TELEPHONE 314-863-4151

THE STATE OF MISSOURI TO: Tom Lewis or Custodian of Records of Lewis Salvage **

YOU ARE HEREBY COMMANDED

☒ TO APPEAR AT Baylard, Billington, Dempsey & Jensen, 30 S. McKinley, Union, MO 63084
ON March 24, 2009, AT 2:00 O'CLOCK P. M.
☐ TO CONTACT (Name) AT (Telephone) WHO WILL ADVISE
OF TIME AND PLACE APPEARANCE IS REQUIRED.

☐ TO TESTIFY ON BEHALF OF:

☒ TO GIVE DEPOSITIONS

☒ TO BRING THE FOLLOWING: copies of all bills, invoices, drafts, checks or other documents
showing payment to Frank Darian from July 1, 2004 to the present.

(Attach Additional Sheet if Necessary)

** If the documents are provided prior to the deposition date, an appearance for said deposition may not be necessary. Please contact David L. Baylard at 636-583-5103 prior to appearing.

Phyllis A. Gayman
CLERK

March 9, 2009

DATE

By

Deputy Clerk

DEPUTY CLERK

(Witness Claim and Instructions On Reverse)

RETURN

I certify that I served this subpoena in _____ County, MO by:
☐ delivering a copy to the person subpoenaed
☐ reading a copy to the person subpoenaed
on this _____ day of _____ 19 _____

☐ I tendered legal fees for travel expenses per 491.130 RSMo. in the amount of \$ _____

FEES
MILEAGE
TOTAL \$

Exhibit

A

PERSON SERVING SUBPOENA


Plaintiff,)
vs.) Cause No. 08WA-CC00527
CAROL ANN ANDERSON, et al.) Division No. III
Defendants.)

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the deposition of the Custodian of Records of Lewis Salvage, to be read into evidence in the above-styled case, will be taken on March 24, 2009, at 2:00 p.m. at the offices of Baylard, Billington, Dempsey & Jensen, P.C., 30 South McKinley, Union, Missouri, at which time you may be present and cross examine if you should so choose.

The Deponent is required to produce pursuant to Rule 57.03 (b) (3) the documents and tangible things set forth on Exhibit "A" attached hereto.

BAYLARD, BILLINGTON, DEMPSEY & JENSEN, P.C.

By: 
DAVID L. BAYLARD - #25595
30 SOUTH MCKINLEY
UNION, MO 63084
UNION LINE: 636-583-5103
ST. LOUIS LINE: 636-938-6500
FAX LINE: 636-583-1877
E-MAIL: dbaylard@bbd-law.com
ATTORNEY FOR PLAINTIFF