

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Court  
Southern District of Texas  
FILED

MAR 05 2012

DAVE CAMPBELL and  
CATRENIA "DAWN" CAMPBELL,

Plaintiffs;

v.

WOODLAND LAKES TRUSTEESHIP, INC.  
NATIONAL DEVELOPMENT COMPANY, INC.,  
CLYDE W. ENGLE, CRAIG KINMANN,  
CHERYL DAVIS, FRANCIS OSCAR DARIAN, JR.,  
ARTHUR HURLBURT, RUSSELL RICHARDS,  
DEBORAH CLUTTER, PATRICIA EDGAR,  
CRYSTAL KALLANSRUD, SIMONE HATTON,  
LARRY ANDERSON, LAWRENCE DEIS,  
LINDA WADE, and THOMAS LEON COLYOTT.

Defendants.

David J. Bradley, Clerk of Court

CIVIL ACTION NO. 4:12-cv-00165

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**OPPOSITION & OBJECTIONS TO  
"DEFENDANTS' MOTION TO DISMISS"**

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TO THE HONORABLE JUDGE ELLISON:

COMES NOW PLAINTIFFS, Dave Campbell and Catrenia "Dawn"  
Campbell, in pro se and showing why Defendants' 12(b)(2) Motion cannot be  
granted, pursuant to U.S.C. §1332, as follows:

**I. OPPOSITION:**

May it please the Court. The United States Constitution, in Article III,  
§ 2, gives Congress the power to permit Federal Courts to hear diversity cases through  
legislation authorizing such jurisdiction. The provision was included because the

Framers of the Constitution were concerned that when a case is filed in one state, and it involves parties from one state and another state, the State Court might be biased toward the party from a same state. Congress first exercised power of diverse jurisdiction and granted Federal Trial Circuit Courts diversity jurisdiction in the Judiciary Act of 1789, presently codified at 28 U.S.C. § 1332.

It is Hornbook Law that the question of "*whether Federal diversity jurisdiction exists is determined by examining the citizenship of the parties at the time the action is commenced.*" C. Wright, A. Miller & E. Cooper, Federal Practice and Procedure § 3608, at 448-49 (2d ed. 1984). [Attached = Honorable Sterling Johnson, Jr. Opinion – P. 2 – Par. 2 of Discussion]

At the time this action was commenced, Plaintiffs were residents of and legally domiciled in Polk County, Texas.

*"A person may have more than one residence, but only one domicile. The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges."* (emphasis added) (Smith v. Smith, 2006 Pa. Super. 310). [Attached = IRS Document Citing Smith]

Plaintiffs were present at their Polk County, Texas residence on April 1<sup>st</sup> of 2010 for the taking of the census. At the time this action commenced, Plaintiffs were subject to all Texas taxing authorities. Plaintiffs were not subject to Missouri taxing authorities, at the commencement of this action.

Plaintiffs affirmatively had made Texas their domicile prior to the

commencement of this action and were also residents of Polk County, Texas on the date this suit was filed.

Had Defendants proceeded pursuant to Local Civil Rule 7.1, Plaintiffs could have cleared up Defendants' confusion about Plaintiffs' residence and citizenship being in Texas. Defendants' motion did delay scheduled action in this litigation. Just as Defendants protest, *"It would be unduly burdensome to force"* Defendants to travel to Texas, it would be unduly burdensome to force Plaintiffs to travel to Missouri to defend their property and rights, in order to convenience Plaintiffs' violators, who also swore false affidavits in pleading Defendants' alleged inconvenience.

Plaintiffs shouldn't be required to upset their lives further by having to travel to Missouri, when Defendants obviously have sufficient counsel in Texas. Because Defendants are required to have an attorney since "WLT" and "NDC" are incorporated, Defendants will not be any more inconvenienced by hiring counsel in Texas, versus Missouri. Plaintiffs, on the other hand, cannot afford to hire counsel to do the work involved in this case and would be required to travel to Missouri, as needed. Plaintiffs initialized this action in Texas, because that is where Plaintiffs are residing, which is another point that proves Plaintiffs do not live in Missouri. If indeed Plaintiffs live in Missouri, as alleged by Defendants, then Plaintiffs surely would have filed this case in the United States Eastern District Court of Missouri.

Plaintiffs feel Defendants are further egregious against Plaintiffs in



making an allegation that Defendants are Missouri residents, when indeed it was Defendants that caused Plaintiffs to leave Missouri prematurely. It seems Defendants are either confused about the way residency works, or Defendants are falsifying legal instruments to serve Defendants' purpose.

## **II. OBJECTIONS:**

1. Plaintiffs object to the false declaration made in the Affidavit of Deborah A. Clutter that did declare, "*Woodland Lakes Trusteeship does not maintain a website,*" Woodland Lakes Trusteeship has now, and in the past authorized, a website, "*for years,*" according to Woodland Lakes Trusteeship's webmaster, who did state, "*The Trustee's [sic] have authorized me to re-create this site with another web-host...Our new web address will be 'woodlandlakes.net...'*"

[Plaintiffs' Exhibit 28A-D]

2. Plaintiffs object to the Notary Public Seal contained on each of Defendants Affidavits contained in their Motion to Dismiss, because the Notary Seals are either Crystal Kallansrud, or Deborah A. Clutter, who are both parties to this lawsuit, who both do have a financial interest. Notary Seals should be sworn by unbiased individuals; not parties.

## **III. CONCLUSION:**

It is Defendants' egregious conduct that did precipitate this lawsuit.




Plaintiffs would not be in litigation had Defendants refrained from maliciously and prejudicially taking Plaintiffs' "residence" and money away from Plaintiffs. Defendants were devious in their Motion to Dismiss by providing unauthentic Affidavits in an attempt to escape jurisdiction and responsibility. Defendant Deborah A. Clutter did erroneously state, "Woodland Lakes Trusteeship does not maintain a website." Plaintiffs' Exhibit 28A-D will show that Woodland Lakes Trusteeship does indeed have a website. The front page of the Trusteeship's website does contain the Trusteeship's office address, telephone number, fax number and email address, which is indeed Defendant's. While Plaintiffs do appreciate the fact that Defendants' Affidavits assist in proving Plaintiffs' claim of diversity jurisdiction, Plaintiffs do object to parties in a lawsuit affixing their Notary Seal on documents in an action they are a part of. Because Plaintiffs indeed are citizens and residents of Texas and Defendants clearly are not residents or citizens of Texas, pursuant to 28 U.S.C. §1332, this case should not be dismissed or moved.

Signed this 5<sup>th</sup> day of March, 2012.

Respectfully Submitted,

By:



Dave and Dawn Campbell, in pro se  
109 Rainbow Drive, #921  
Livingston, Texas 77399  
Campbell@CampbellSales.com

## **CERTIFICATE OF SERVICE**

We hereby certify that on 5<sup>th</sup> day of March, 2012, a true and correct copy of Plaintiffs' Opposition & Objections to Defendants' Motion to Dismiss has been served upon the opposing party by hand-delivering said copy to Defendants in care of their attorneys of record, as follows:

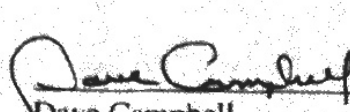
### **Defendants:**

Woodland Lakes Trusteeship, Inc., National Development Company, Inc., Clyde Engle, Francis Oscar Darian, Jr., Lawrence Deis, Craig Kinmann, Arthur Hurlburt, Russell Richards, Cheryl Davis Deborah Clutter, Patricia Edgar, Crystal Kallansrud, Simone Hatton, Linda Wade, Larry Anderson, and Thomas Leon Colyott

### **ATTORNEY OF RECORD:**

Casey T. Wallace  
Haynes Boone, Attorneys & Counselors  
1221 McKinney Street, Suite 2100  
Houston, Texas 77010-2007  
(713) 547-2516

Signed, and hand-delivered this 5<sup>th</sup> day of March, 2012.

  
Dave Campbell

  
Dawn Campbell

# Woodland Lakes Property Owners Association

Home

About Us / History

Contact Us

Forms

Association / Board / POA

New Home

Home

Home

Home

## This Web-site is closing!

Microsoft Live the company we have been using for years, is closing this access. The Trustee's have authorized me to re-create this site with another web-host. The site is currently under construction, but it is in progress.

Our new web address will be "woodlandlakes.net" once it has been published to the search engines

You can find our site now by typing in the IP address of 207.57.139.232 in to you address block as you would any web address.

\*\*\*\*\*

## Check out the Trusteeship page

click the 2nd button on the left

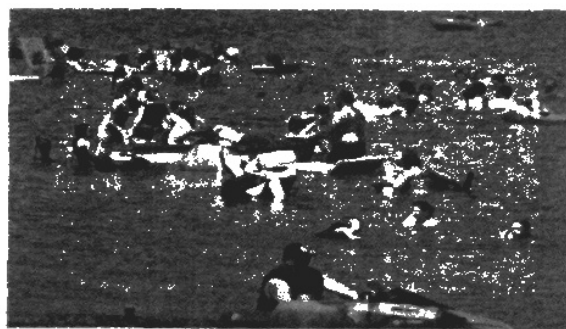
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WOODLAND LAKES is a private, gated, recreational subdivision. We are located about 15 mile south of Sullivan, Missouri which is 60 miles south west of St. Louis, in Washington County

About 80-65 miles from down town St. Louis



Take I-44 W From St. Louis- go 64.0 mi  
Take exit #226/SULLIVAN turn Left on MO-185 - go 14.3 mi  
Turn Right on WINGS LAKE DR MO-EE go 1.0 mi  
Turn Right on MINE RD (up the hill) - go 1.3 mi  
Turn Right on WOODLAND DR (at Gate House)



### Address and Phone Number for the Woodland Lakes Office

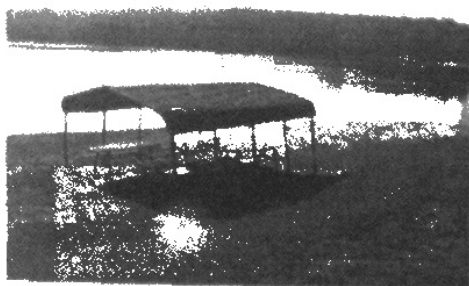
Woodland Lakes  
12 Woodland Lakes Phone 573-468-  
6505  
Sullivan, MO 63080 Fax 573-468-2576  
e-mail [woodland@fidnet.com](mailto:woodland@fidnet.com)

To contact the POA, contact any member.

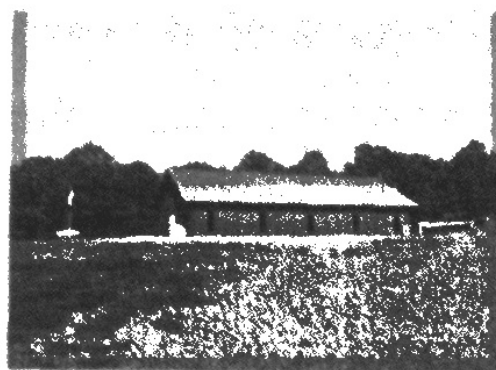
Cover Shelter at Chyrstal Lake

Community Center

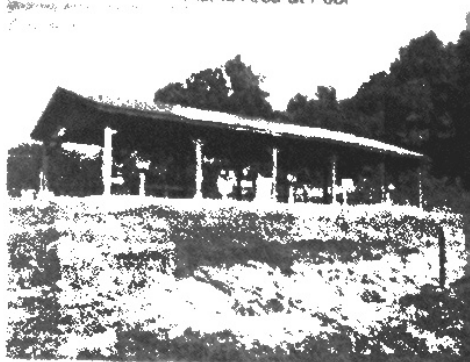




Picnic Area at Pool



Woodland Lakes Office



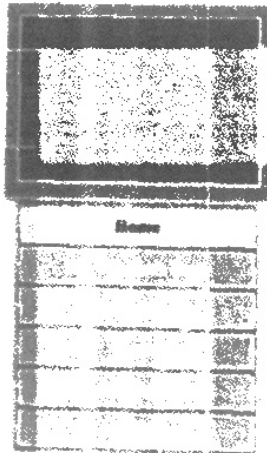
Bass Club Forming, see calender page

*Check out our  
calendar  
for upcoming events,  
updates regularly.*

**See our news  
page for event  
pictures!**

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**WOODLAND LAKES** is a private, gated, recreational subdivision. We are located about 15 mile south of Sullivan, Missouri which is 60 miles south west of St. Louis, Missouri, in Washington County.

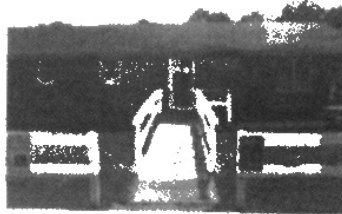
About 80-85 miles from downtown St. Louis  
 Take I-44 W From St. Louis go 64.0 mi.  
 Take exit #226/Suite VAN turn Left on MO-185 go 14.3 mi.  
 Turn Right on WINGS LAKE DR MO-EE go 1.0 mi.  
 Turn Right on MINE RD (up the hill) go 1.3 mi.  
 Turn Right on WOODLAND DR (at gate house)

#### Woodland Lakes Office

17 Woodland Lakes  
 Sullivan, MO 63080

Phone 523-468-6505  
 Fax 523-468-7576

e-mail:  
[woodland@tdnet.com](mailto:woodland@tdnet.com)



At present, our web site is still under construction. We are making an effort to present you with our entire spectrum as soon as possible. The emphasis of our site is on the Property Owner and information. This topic is certainly of interest to you. Check this site later, please.

In the meantime you can reach us at *at the above number or fax*. We are looking forward to hearing from you. You can also contact us at our e-mail address.

If you are not familiar with us and your first contact with us is online, we would be pleased to hear from you! Please let us know what your needs and questions are, we will be more than happy to help. Feel free to give us a call.



Community Center



Chrystal Lake



Old Pool. New pool is in process.



Picnic Area at Pool

—Bass Club Forming, see calender page.

-See our news page for event pictures!

Check out our calendar for upcoming events,  
updates regularly.

220

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