

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District 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

PLAINTIFFS' AMENDED PETITION

<u>Plaintiffs:</u> Dave Campbell and Catrenia "Dawn" Campbell	<u>Defendants:</u> Woodland Lakes Trusteeship, Inc., National Development Company, Inc., Clyde W. Engle, Francis Oscar Darian, Jr., Lawrence Deis, Craig Kinmann, Arthur Hurlburt, Russell Richards, Deborah Clutter, Patricia Edgar, Crystal Kallansrud, Simone Hatton, Linda Wade, Larry Anderson, and Thomas Leon Colyott
<u>In Propria Persona:</u> 109 Rainbow Drive #921 Livingston, TX 77399 (936) 433-5572	<u>Attorney For Aforesaid:</u> Casey T. Wallace Haynesboone, Attorneys and Counselors 1221 McKinney Street, Suite 2100 Houston, Texas 77010-2007 (713) 547-2516 <u>Of Counsel:</u> Mike A. Stafford Katharine D. David,

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PLAINTIFFS' AMENDED PETITION

COMES NOW PLAINTIFFS, Dave Campbell and Catrenia "Dawn"

Campbell, in pro se, and pursuant to 28 U.S.C. § 1332 and FRCP 8, and for their cause of action against Defendants, 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. Because Plaintiffs believe that grave and important matters of public interest are presented for determination, which are essential for the orderly administration of justice, Plaintiffs state the following:

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¹ In this case, "WLT" stands for Woodland Lakes Trusteeship, Inc.

² In this case, "NDC" stands for National Development Company, Inc.

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PARTIES

1. Dave Campbell and Dawn Campbell are husband and wife and have owned property within Woodland Lakes Subdivision since 2008. Dave Campbell is a three-year, honorably discharged Army Veteran with 28.5 years of honorable Government service. Dawn Campbell has served as a court reporter in the states of Texas and Oklahoma. After retiring, Plaintiffs started and operated a successful business in Missouri for seven years, before selling said business and moving back to Texas. In their marriage, Plaintiffs have volunteered with senior citizens organizations, C.A.S.A. and the American Legion.

STATEMENT OF PLAINTIFFS' LOCATION:

2. Plaintiffs are located in Livingston, Polk County, Texas and were on the date this lawsuit was first filed. At all times mentioned in Plaintiffs' Statements of facts, before and during the filing of this lawsuit, Plaintiffs' citizenship was Polk County, Texas. Since in or around December of 2009, Plaintiffs' address has been 109 Rainbow Drive #921, Livingston, Texas, 77399-1009. Plaintiffs are registered to vote in Texas, have Texas addresses, Texas State Driver's Licenses, Texas State Identification Cards, Livingston, Texas Library Cards and AAA of Texas memberships. Also, Plaintiff, Dave Campbell is a

member of the American Legion, Post TX312 in Livingston, Texas. Plaintiffs' legal counsel and veterinarian are Texas providers. Plaintiffs were present at their Polk County Texas address during the census on April 01, 2010, where Plaintiffs did register for the census. Plaintiffs maintain a Texas telephone numbers. Plaintiff, Dawn Campbell was born in Texas, graduated from high school and court reporting school in Texas, and has two sons in Texas. Plaintiff, Dave Campbell, moved to Texas upon discharge from the U.S. Army in 1976, and, spent most of his 28.5 years of Government service in Texas, retiring as postmaster. Two of his children were born in Texas. It is Plaintiffs' intention to reside in, and remain domiciled in Texas.

STATEMENT OF DEFENDANT WOODLAND LAKES TRUSTEESHIP INC.'s. IDENTITY AND LOCATION:

3(a) Defendant Woodland Lakes Trusteeship, Inc. is a corporation under the laws of Missouri, and having a main office listed at 12 Woodland Lakes, Sullivan, Missouri 63080, which is not a physical address. Being hereby sued in its capacity, Woodland Lakes Trusteeship, Inc. (hereafter referred to as "WLT"), is identified on Page 2 of "NDC's" "Trust Indenture" as *"a subdivision for living and recreational purposes" and "a lake and other facilities for living and for recreational enjoyment."* On

July 17, 1986, Registered Agent Deborah Clutter did file for incorporation of the WLT, on behalf of directors, Wilbert F. Meyer, Jr., James R. Clutter; (*husband of Registered Agent Deborah A. Clutter*) and William W. King, which is also the year "NDC" filed a federal lawsuit against the "WLT" (Plaintiffs' Amended Exhibit 1 - Time Study Case).

- (b) National Development Company, Inc. did sue the Trusteeship of Woodland Lakes, et al., on April 25th, 1986 as a result of the trusteeship refusing free ingress and egress of property owners to property owners' properties, and other issues. In said suit, the Late Federal Judge, Honorable J. Nangle ruled, ***"Poor recordkeeping and informal procedure precipitated this lawsuit. The parties cannot agree on the events of the April 9 meeting because they did not conduct themselves with proper regard for the consequences of their actions. Amendments were passed but not reduced to writing. Votes were taken but tallies not kept. The best notes of the meeting are scant, the official minutes wholly inadequate."*** (Plaintiffs' Amended Exhibit 1 - Order p. 3)
- (c) In the aforesaid case, on April 25th, 1986. A Temporary Restraining Order was issued, restraining and enjoining the Trusteeship of Woodland Lakes from ***"refusing new property***

owners access to Woodland Lakes Subdivision.” (Plaintiffs’ Exhibit 11)

- (d) In the aforesaid case, Judge Nangle ruled, “Apparently, the parties have reached agreement on the time for collecting the annual assessments, and the trustees have ceased the alleged harassment of new lot owners. Thus, while the issues concerning the temporary restraining order are not moot, it appears that further injurious actions are unlikely.” (Plaintiffs’ Exhibit - p. 4-5 Item 33)

REMEDY SOUGHT FROM AND CLAIMS AGAINST WOODLAND LAKES TRUSTEESHIP INC.:

- (e) In this case, the Woodland Lakes Trusteeship, Inc. is being sued for damages, totaling \$800,339.85 (eight hundred thousand, three hundred thirty-nine dollars and eighty-five cents). Plaintiffs allege Counts I through XIII; Violation of Civil Rights, Conversion, Injunctive Relief, Ejectment, Tortious Interference, Extortion, Breach of Contract, Fraud, Federal Easement Rights, Intentional Infliction of Emotional Distress, False Light/Invasion of Privacy, Defamation and Private Nuisance against Woodland Lakes Trusteeship, Inc.

STATEMENT OF DEFENDANT NATIONAL DEVELOPMENT CO, INC.’s IDENTITY AND LOCATION:

- 4(a) Defendant, National Development Company, Inc. (hereafter

referred to as "NDC," is a North Carolina Company, operating under the umbrella company, "Sunstates Corporation," which is owned and operated by Clyde Engle and under the laws of North Carolina. "NDC" was officially dissolved in Missouri on February 18, 2004, pursuant to Sections 351.486 and 351.602 RSMo, by failing to file a correct and current annual report in 2003. "NDC" was first incorporated in Missouri in 1972. On March 26, 1999, National Development Company, Inc. filed with Missouri's Secretary of State as having its "*principal place of business or corporate headquarters*," being located in Raleigh, North Carolina. In or around 1980, National Development Company developed a recreational/home-living subdivision in Missouri, known as Woodland Lakes. The Woodland Lakes Trusteeship did file "*Amended Trust Indenture and Restrictive Covenants...*" on May 23, 2011, alleging, "National Development Company, Inc., a Texas corporation, is the owner of certain real property located in Washington County, Missouri..." National Development Company, Inc., is identified on Page 1 of the Woodland Lakes' "Trust Indenture," as "Grantor." (Plaintiffs' Exhibit 5)

- (b) On or about April 26, 2005, the Tennessee Court of Appeals upheld the Circuit Court's decision that National

Development Company, Inc., did breach its contract with 3,876 (three thousand eight hundred seventy-six) lake lot purchasers, by failing to provide the centerpiece of the development, a thirty-acre lake, with a judgment against "NDC" in the amount of \$2,540,867.29. The Honorable Frank G. Clement, Jr. of the Tennessee Court of Appeals did rule that the corporate veil was pierced in showing Clyde Engle is the alter ego of National Development Company, Inc. **(Plaintiffs' Amended Exhibit 4)**

- (c) On May 27, 2008, lawyers seeking to collect on the judgment from the Tennessee case sued Clyde Engle and his wife in 2nd Circuit Court in Wailuku on Maui, where the Circuit Court Jury awarded more than \$53 million to the group of Tennessee property owners *"who were defrauded by prominent Chicago investor Clyde Engle in a failed residential development back in 1995."* **(Plaintiffs' Exhibit 13)**

REMEDY SOUGHT FROM & CHARGES AGAINST NATIONAL DEVELOPMENT COMPANY, INC.:

- (d) In this case, National Development Company is being sued for damages totaling \$88,926.65 (eight-eight thousand, nine hundred twenty-six dollars and sixty-five cents). Plaintiffs allege Counts I through XIII; Violation of Civil Rights, Conversion, Injunctive Relief, Ejectment, Tortious Interference,