

YR.	NUMBER	MO	DAY	YEAR		23	MAG. NO.	DEM.	TR.	NUMBER
865	4	86	0852	04	25	86	190	1	2	1
Nearest \$1,000							J 651A			
							M	29221	86-0852C(1)	

PLAINTIFFS

DEFENDANTS

NATIONAL DEVELOPMENT CO., INC.

TRUSTEESHIP OF WOODLAND LAKES

CLUTTER, JAMES R.

MEYER, WILBERT

KING, WILLIAM W.

CLOSED

NON-JURY

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

28 USC §1332, diversity; for injunctive relief & declaratory judgment, TRO

Joseph H. Mueller
MOSER, MARSALEK, CARPENTER,
CLEARY, JAECKEL & KEANEY
314 N. Broadway Suite 360
St. Louis, MO 63101
314-421-5364

ATTORNEYS

Norman Stricker
109 Oak St.
Potosi, MO 63664
314/438-4062

EXHIBIT
11

RECORDS DIV. NO. _____ ADDITIONAL NO. _____
AGENCY USE NO. _____ RECORDS CTR. LOG NO. _____

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	DATE	FILING FEES PAID RECEIPT NUMBER	C D NUMBER	STATISTICAL CARDS CARD	DATE MAILED
				JS 5	
				JS 6	

DATE	NR.	
04/25/86		COMPLAINT, fld. 2 Counts w/exhibits 1 & 2. 3 Summons Issued (20 days) NON-JURY, with Affidavit of Service and copies of letters to defts. w/cert. mail receipts attached. MOTION For Temporary Restraining Order, fld. MEMORANDUM For Clerk, fld. Wilbert F. Meyer will accept service on behalf of all Trustees. TRO Hearing (JFN). Pltf. and atty. for trustees, Wilbert Meyer present for hearing c TRO; TRO GRANTED; hearing on preliminary injunction set for May 5, 1986, at 9:30 A.M. bond for pltf. set at \$10,000 by the Court. TEMPORARY Restraining Order (JFN). That a TRO to issue restraining & enjoining from this date until May 5, 1986, defts. refusing new property owners access to Woodland Lakes Subdivision. 2. That a TRO to issue restraining & enjoining from this date until May 5, 1986 or further order of this Court defts., from levying assessments for the year 1986 prior to November 15, 1986. 3. That a TRO to issue restraining & enjoining from this date until May 5, 1986, defts. from attempting to enforce the purported amendments to the Amended Trust Indenture dated September 3, 1985 and April 12, 1986, copies of which are attached to pltf's. complaint filed herein, except any portion thereafter relating to the obtaining of electric power by defts. 4. That a hearing is hereby set before the Court on May 5, 1986 at 9:30 A.M., at which time defts. are ordered to show cause why preliminary and permanent injunctions should not be granted on the same terms as set forth herein or such other terms as this Court shall deem proper. 5. Pltf. shall furnish bond in the amount of \$10,000.
04/25/86		ORDER (em), fld. This cause of action is transferred from Court No. 3 to Court No. 1. (cc: attys) EOD 04/25/86 04/25/86 Pursuant to Order this date, entire case and docket sheets transferred and delivered to Court 1.
4/28/86		INJUNCTION BOND, fld by Pltf. (EOC 4/28/86 rl) Submitted to Judge Nangle. (EOC 4/28/86 SO ORDERED (JFN)
5/2/86		MEMO for Clerk, fld. TRO shall remain in force until further order or until agreed by the parties except for paragraph 2 which is hereby modified to restrain defts from levying assessments against new purchasers only. SO ORDERED (JFN) cc: attys (EOD 5/2/86)
5/19/86		APPLICATION for Leave of Court to File Answers after Time for Filing has Expired, w/Proposed Answer attached, fld by Deft. Submitted to Judge Nangle. (EOD 5/19/86 rl)
5/21/86		MEMO for Clerk, fld. Request for continuance. SO ORDERED (JFN) eod 5/22/86 rl
5/21/86		ORDER of Court #1 Relating to Trial, fld. <u>This Cause is set for Trial on the NON-JURY Docket of WEDNESDAY, MAY 28, 1986.</u> eod 5/22/86 rl
5/22/86		APPLICATION for Leave of Court to File Answers After Time for Filing has Expired which was fld 5/19/86 is now GRANTED (JFN). See endorsement on pleading. cc: attys eod 5/22/86 rl
5/22/86		<u>ANSWER TO COMPLAINT AND COUNTERCLAIM</u> , fld by Defts. eod 5/22/86 rl
5/27/86		COMPLIANCE of Pltf with Order of Court Relating to Trial, fld. eod 5/28/86 rl
5/28/86		CONFERENCE held. 60 minutes. eod 5/30/86 rl
5/28/86		Parties present for hearing on prelim injunction. Exhibits rcvd into evid. <u>PROCEEDINGS POSTPONED UNTIL, WEDNESDAY, JUNE 4, 1986 at 10:00 am.</u> eod 5/30/86 rl

TIME STUDY CASE

CIVIL DOCKET CONTINUATION ~~RECORD~~ Time Spent by Judge or Magistrate

PLAINTIFF	DEFENDANT	DOCKET NO. <u>86-852C(1)</u>
NATIONAL DEVELOPMENT CO.	TRUSTEESHIP OF WOODLAND LAKES, ET AL	PAGE <u>3</u> OF <u> </u> PAGES

DATE	NR	PROCEEDINGS
6/3/86		STATEMENT of Factual Issues, fld by Pltf & Deft. eod 6/3/86 rl COMPLIANCE of Defts with Order of Court Relating to Trial, fld. eod 6/3/86 rl JOINT Stipulation of Facts, fld by Deft. eod 6/3/86 rl SUGGESTED Findings of Fact, fld by Defts. eod 6/3/86 rl Trial Brief, fld by Deft. eod 6/3/86 rl
6/4/86		NON-JURY TRIAL (2nd day) Parties present. Pltf's evid resumed and concl. Deft's evid commenced and concl. Case shall be left open for the purpose of parties to furnish to this Court, info regarding the issue of re-assessment, and shall repo back to this Court on Wednesday, June 18, 1986 for that purpose. eod 6/5/86 rl
6/16/86		Upon request of deft <u>CAUSE CONT'D TO WEDNESDAY, JUNE 25, 1986 at 10:00 am.</u> eod 6/17/86 rl
6/25/86		Parties present for trial. Trial left open for purpose of admitting exhibits etc. Pltf's Post Trial Brief, fld. Deft's brief fld. Cause taken under submission on issues tried to date. The issue of concessions left open for possible assignment to a special master or a U.S. Magistrate. eod 6/25/86 rl
9/8/86		Parties present for status conference. Conference held (10 min.). (EOD 9/10/86rl)
9/16/86		MEMORANDUM AND ORDER (JFN), fld. IT IS HEREBY ORDERED that the amendments passed at the 4/9/85 meeting are valid & enforceable. FURTHER ORDERED that the amendments passed at the 8/28/85 and 4/12/86 meetings are invalid & unenforceable and that a quorum under the Woodland Lakes Trust Indenture is defined by the version of the trust indenture recorded on 4/18/83. FURTHER ORDERED that pltf's prayer for a permanent injunction against enforcement of the 4/9/85 amendments is Dismissed. FURTHER ORDERED that defts are permanently enjoined from enforcement of the amendments passed at the 8/28/85 and 4/12/86 meetings. FURTHER ORDERED that the temporary restraining order of this Court entered on 4/25/86 is dissolved and that pltf's prayer for permanent injunctive relief on this ground is Dismissed. cc: attys (EOD 9/17/86rl) MICROFILMED PUBLISHED
10/15/86		OBJECTIONS of Pltf to Deft's Bill of Cost, fld. (EOD 10/21/86 rl) MEMORANDUM in Support of Pltf's Objections to Defts' Bill of Costs, fld.
10/20/86		BILL OF COSTS, submitted by deft. AFFIDAVIT of Norman Stricker w/attachments, fld. (EOD 10/21/86 rl) (Ref: <u>10/28/86</u>)
---		10/21/86 Bill of costs fld 10/20/86 & entire file submitted to Judge Nangle.
10/28/86		<u>ORDER</u> (JFN) fld. IT IS HEREBY ORDERED, ADJUDGED and DECREED that each party shall bear its own costs. cc: attys (EOD 10/29/86 rl) Deft's exhibits claimed Date <u>5/5/87</u>