

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

WOODLAND LAKES TRUSTEESHIP,
INC.,

Plaintiff,

vs.

DAVID CAMPBELL, a/k/a
DAVE CAMPBELL and
CATRENIA CAMPBELL,

Defendants.

)
)
)
) Case No. 13WA-CC00410
) Transferred from Crawford County
) Circuit Court as
) Case No. 12CF-CC00030
)
) Division No. 2
)
)
)

JUDGMENT

Cause was called on September 21, 2015 to hear Plaintiff's Motion for Summary Judgment. Plaintiff appeared by its attorney, Damian R. Struzzi. Defendants failed to appear. Defendants' motion to continue said hearing was denied. The Court considered the arguments of Plaintiff's counsel and hereby grants Plaintiff its Motion for Summary Judgment. Plaintiff has dismissed Counts I and II of its Petition.

Defendants failed to properly respond to Plaintiff's Motion for Summary Judgment and made broad and general allegations in their response. Plaintiff withdrew paragraph 6 of its Statement of Uncontroverted Material Fact in lieu of amending by interlineation due to a typographical error. The Court does not consider this paragraph in its analysis and Defendant is not prejudiced as they denied the paragraph.

The Court makes the following conclusions of law and findings of fact:

1. Plaintiff Woodland Lakes Trusteeship, Inc. is entitled to judgment on Count III of its Petition against David (also known as Dave) Campbell and Catrenia Dawn Campbell in the principal amount of One Thousand Seven Hundred Sixty-two Dollars (\$1,762) representing assessments owing by Defendants to Plaintiff for four (4) lots owned in the subdivision, for prejudgment interest of ten percent (10%) per annum from October 1, 2012 to the present in the amount of \$523.77, for a total owing from Defendants to Plaintiff of Two Thousand Two Hundred Eighty-five and 77/100 Dollars (\$2,285.77).

2. The Court further finds that Plaintiff is entitled to recover its reasonable attorney's fees of Seven Thousand Five Hundred Forty-five and 32/100 Dollars (\$7,545.32).

3. According to its Indentures, Plaintiff properly denied vehicular ingress and egress into the subdivision by Defendants on October 27, 2011. Defendants paid their assessments on October 29, 2011 and were permitted vehicular ingress and egress until November 12, 2011 when the Defendants were notified that their vehicular access to the subdivision would be denied once again due to exceeding the 140 day-limit for living on a multipurpose lot within a calendar year. The Court further finds that on January 1, 2012, Defendants were granted vehicular access to the subdivision once again, and upon failing to pay their subdivision assessments due by October 1, 2012, Defendants were once again denied vehicular access due to outstanding subdivision assessments owing.

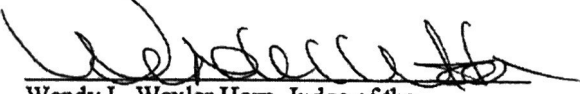
4. According to the following findings of fact and pursuant to the Court's Judgment entered herein, Defendants were properly denied vehicular ingress and egress pursuant to the Plaintiff's subdivision indentures due to the fact that they were not in good standing. Therefore, Defendants' Counterclaim fail against Plaintiff and judgment is hereby entered in favor of Plaintiff and against Defendants on Counts II and IV of Defendants' Counterclaim in this cause.

5. The Court took under advisement Plaintiff's Motion to Dismiss on July 20, 2015. The Court hereby dismisses Counts I and III of Defendants' Counterclaim as those Counts seek interlocutory relief, which is hereby made moot by this final Judgment.

It is hereby ORDERED, ADJUDGED and DECREED that Judgment shall be entered in favor of Plaintiff and against Defendants in the total amount of Two Thousand Two Hundred Eighty-five and 77/100 Dollars (\$2,285.77) representing the principal amount owing for assessments and interest thereon, and for an award of attorney fees in the amount of Seven Thousand Five Hundred Forty-five and 32/100 Dollars (\$7,545.32). Furthermore, Judgment is entered in favor of Plaintiff and against Defendants on Counts II and IV of Defendants' Counterclaim as Defendants were not in good standing during the times pled and Plaintiff acted lawfully pursuant to its Indentures.

Costs taxed against Defendants.

SO ORDERED this 21 day of
September, 2015:


Wendy L. Wexler Horn, Judge of the
Washington County Circuit Court, Division 2

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



WOODLAND LAKES TRUSTEESHIP,
INC.,

Plaintiff,

vs

DAVID CAMPBELL, a/k/a
DAVE CAMPBELL and
CATRENIA CAMPBELL,

Defendants.

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) Case No. 13WA-CC00410
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)
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)
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MOTION FOR LEAVE TO AMEND JUDGMENT NUNC PRO TUNC

Comes now Plaintiff and moves for leave to amend the Judgment nunc pro tunc to correct a typographical error heretofore filed in following particulars, to-wit:

To substitute the denomination "Plaintiff's Petition" with "Plaintiff's First Amended Petition."

WHEREFORE, Plaintiff prays that said amendment be granted, and the Court enter the Amended Judgment Nunc Pro Tunc attached hereto.

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

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DAMIAN R. STRUZZI - 57376
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ATTORNEY FOR PLAINTIFF

Handwritten: 200
Ex.U

Exhibit 8

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON

STATE OF MISSOURI

WOODLAND LAKES TRUSTESHIP,
INC.,

Plaintiff,

vs.

DAVID CAMPBELL, a/k/a
DAVE CAMPBELL and
CATRENIA CAMPBELL,

Defendants.

FILED		
O'clock	Minutes	M.
OCT 02 2015		
By <i>Patricia J. Boyer</i>		

Case No. 13WA-CC00410
Transferred from Crawford County
Circuit Court as
Case No. 12CF-CC00030

Division No. 2

AMENDED JUDGMENT NUNC PRO TUNC

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Defendants failed to properly respond to Plaintiff's Motion for Summary Judgment and made broad and general allegations in their response. Plaintiff withdrew paragraph 6 of its Statement of Uncontroverted Material Fact in lieu of amending by interlineation due to a typographical error. The Court does not consider this paragraph in its analysis and Defendant is not prejudiced as they denied the paragraph.

The Court makes the following conclusions of law and findings of fact:

1. Plaintiff Woodland Lakes Trusteeship, Inc. is entitled to judgment on Count III of its First Amended Petition against David (also known as Dave) Campbell and Catrenia Dawn Campbell in the principal amount of One Thousand Seven Hundred Sixty-two Dollars (\$1,762) representing assessments owing by Defendants to Plaintiff for four (4) lots owned in the subdivision, for prejudgment interest of ten percent (10%) per annum from October 1, 2012 to the present in the amount of \$523.77, for a total owing from Defendants to Plaintiff of Two Thousand Two Hundred Eighty-five and 77/100 Dollars (\$2,285.77).
2. The Court further finds that Plaintiff is entitled to recover its reasonable attorney's fees of Seven Thousand Five Hundred Forty-five and 32/100 Dollars (\$7,545.32).
3. According to its Indentures, Plaintiff properly denied vehicular ingress and egress into the subdivision by Defendants on October 27, 2011. Defendants paid their assessments on October 29, 2011 and were permitted vehicular ingress and egress until November 12, 2011 when the Defendants were notified that their vehicular access to the subdivision would be denied once again due to exceeding the 140 day-limit for living on a multipurpose lot within a calendar year. The Court further finds that on January 1, 2012, Defendants were granted vehicular access to the subdivision once again, and upon failing to pay their subdivision assessments due by October 1, 2012, Defendants were once again denied vehicular access due to outstanding subdivision assessments owing.
4. According to the following findings of fact and pursuant to the Court's Judgment entered herein, Defendants were properly denied vehicular ingress and egress pursuant to the Plaintiff's subdivision indentures due to the fact that they were not in good standing. Therefore, Defendants' Counterclaim fail against Plaintiff and judgment is hereby entered in favor of Plaintiff and against Defendants on Counts II and IV of Defendants' Counterclaim in this cause.

5. The Court took under advisement Plaintiff's Motion to Dismiss on July 20, 2015. The Court hereby dismisses Counts I and III of Defendants' Counterclaim as those Counts seek interlocutory relief, which is hereby made moot by this final Judgment.

It is hereby ORDERED, ADJUDGED and DECREED that Judgment shall be entered in favor of Plaintiff and against Defendants in the total amount of Two Thousand Two Hundred Eighty-five and 77/100 Dollars (\$2,285.77) representing the principal amount owing for assessments and interest thereon, and for an award of attorney fees in the amount of Seven Thousand Five Hundred Forty-five and 32/100 Dollars (\$7,545.32). Furthermore, Judgment is entered in favor of Plaintiff and against Defendants on Counts II and IV of Defendants' Counterclaim as Defendants were not in good standing during the times pled and Plaintiff acted lawfully pursuant to its Indentures.

Costs taxed against Defendants.

SO ORDERED this 2 day of October,
September, 2015:



Wendy L. Wexler Horn, Judge of the
Washington County Circuit Court, Division 2

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON

STATE OF MISSOURI

WOODLAND LAKES TRUSTEESHIP, INC.,)	
)	
Plaintiff,)	Case No. 13WA-CC00410
)	
vs.)	Transferred from Crawford County
)	Circuit Court as
DAVID CAMPBELL, a/k/a DAVE CAMPBELL)	Case No. 12CF-CC00030
and CATRENIA CAMPBELL,)	
)	Division No.
Defendants.)	

AMENDED MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff, the Woodland Lakes Subdivision Trusteeship, Inc., is charged with enforcing and upholding the trust indentures and restrictions of the Woodland Lakes Subdivision. The Woodland Lakes Subdivision is a private lake development in Washington County. It has both permanent and temporary residents. The trustees' duty is to maintain the common areas and common roads, collect assessments, and enforce the restrictions of the subdivision. "The law requires a trustee under an instrument of restrictive covenant and indenture of trust to act strictly in conformance with that definition of authority." Ginter v. City of Webster Groves, 349 S.W.2d 895, 901 (Mo. 1961).

The Indenture and Restrictions require the trustees to collect assessments for each lot in the subdivision. The Defendants own four lots within the subdivision. There is no question that the Defendants have failed and refused to pay their assessments since October of 2012 on all four lots. Accordingly, they are in violation of the indentures. The Plaintiff is entitled to a judgment for the amount of the assessments, plus interest at 10% per annum, from October, 2012 to the present. See Statement of Uncontroverted Material Facts, paragraphs 3, 4, 5, 6, 7 and 8.

Moreover, the Plaintiff is charged with the duty of ascertaining the boundaries of the subdivision. The Defendant and the city do agree that a good standing title to the land valuable interest in the common title. In January of 1977, the Defendant title is not the agreement therefore that the city does not agree to good standing. These actions agree and agree to the subdivision was denied at the time. Plaintiff is going entirely within its power and responsibility under its authority. Accordingly, it may be established that Defendant, they do not in good standing and are in a state of adverse power. Yet Defendant's actions and actions requested in Defendant's counterclaim to compel the City to determine and determine of the subdivision. The Defendant's Unlawful Interference with Plaintiff's rights, paragraphs 4, 5, 6, and 7.

Summary Judgment should be entered against Defendant on Plaintiff's Motion as Defendant was prevented to Plaintiff by its interference. Accordingly, Defendant is not in good standing and it is right and damage caused to Defendant by this County's actions are not proper. The Defendant's power Plaintiff is doing adverse power to its interference in any way does not in good standing. Since Plaintiff is going within its power granted to it by the Defendant, Defendant's Counterclaim fails. Plaintiff prays that the Court grant judgment in favor of Plaintiff on Defendant's Counterclaim.

DANIEL BELLANTON, DEPOSED
& EXHIBIT



DANIEL BELLANTON, DEPOSED
BY: DANIEL BELLANTON, DEPOSED
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IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON

STATE OF MISSOURI

WOODLAND LAKES TRUSTEESHIP, INC.,)	
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Plaintiff,)	Case No. 13WA-CC00410
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vs.)	Transferred from Crawford County
)	Circuit Court as
)	Case No. 12CF-CC00030
DAVID CAMPBELL, a/k/a DAVE CAMPBELL)	
and CATRENIA CAMPBELL,)	Division No.
)	
Defendants.)	

MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Plaintiff, the Woodland Lakes Subdivision Trusteeship, Inc., is charged with enforcing and upholding the trust indentures and restrictions of the Woodland Lakes Subdivision. The Woodland Lakes Subdivision is a private lake development in Washington County. It has both permanent and temporary residents. The trustees' duty is to maintain the common areas and common roads, collect assessments, and enforce the restrictions of the subdivision. "The law requires a trustee under an instrument of restrictive covenant and indenture of trust to act strictly in conformance with that definition of authority." Ginter v. City of Webster Groves, 349 S.W.2d 895, 901 (Mo. 1961).

The Indenture and Restrictions require the trustees to collect assessments for each lot in the subdivision. The Defendants own four lots within the subdivision. There is no question that

the Defendants have failed and refused to pay their assessments since October of 2012 on all four lots. Accordingly, they are in violation of the indentures. The Plaintiff is entitled to a judgment for the amount of the assessments, plus interest at 10% per annum, from October, 2012 to the present. See Statement of Uncontroverted Material Facts, paragraphs 3, 4, 5, 6, 7 and 8.

Moreover, the Plaintiff is charged with the duty of enforcing the Restrictions of the subdivision. The Restrictions state that any lot owner not in good standing shall be denied vehicular ingress to the common roads. In October of 2012, the Defendants failed to pay the assessments therefore their lots and were no longer in good standing. Their vehicular ingress and egress to the subdivision was denied at that time. Defendants had previously been denied access in 2011 for residing more than 140 days in a year on a camping lot within the subdivision. The Defendants' access to common roads was restored in January 2012. Plaintiff is acting entirely within its duties and responsibilities under the indenture. Accordingly, as long as Defendants owe assessments, they are not in good standing and can be denied vehicular access. All claimed damages and equity requested in Defendants' counterclaim is contrary to the Trust Indentures and Restrictions of the Subdivision. See Statement of Uncontroverted Material Facts, paragraphs 9, 15, 12, 13, 14 and 18.

Summary Judgment should be entered against Defendants on Plaintiff's Petition as Defendants owe assessments to Plaintiff by the Indentures. Accordingly, Defendants are not in good standing and all rights and damages claimed by Defendants in their Counter-Petition are not proper. The Indentures permit Plaintiff to deny vehicular access to the subdivision to any lot owner not in good standing. Since Plaintiff is acting within the powers granted to it in the Indentures, Defendants' Counterclaim fails. Plaintiff prays that this Court grant judgment in favor of Plaintiff on Defendants' Counterclaim.

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

By: 

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