

Subject: Woodland Lakes's Trustee Meeting 12/10/11 - Video 7 5:55-10:00 Transcribed
From: campbell@campbellsales.com
Date: Mon, Dec 12, 2011 10:15 am
To: "Dave-n-Dawn Campbell" <Campbell@CampbellSales.com>
Attach: WLTranscribedTRUSTEE MEETING 121011.doc

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TRUSTEE MEETING 12-10-11 VIDEO 7 (5:30-:10:00)

PROPERTY OWNER: Well, just to clarify a question before about being banned, so by your definition, if somebody doesn't pay their assessments, that's the only way they can be banned from their property?

TRUSTEE LARRY DEIS: No. Infraction of the rules.

PROPERTY OWNER: Okay. I'm just concerned because I have a lot of money invested in my property.

UNIDENTIFIED TRUSTEE: So do I.

UNIDENTIFIED TRUSTEE: Don't we all?

TRUSTEE LARRY DEIS: Tom can answer that one for us, on that subject right there.

PROPERTY OWNER: Okay.

TOM COLYOTT: Going back to what Dave said earlier. There is, according to the Judge and Washington County, because of cases that we've had - It's only a handful of people. It's not the majority. Most of the people in here are very good people. Every now and then we have a trouble maker and the board has to banned (sic) them from common ground.

PROPERTY OWNER: And what's defined as a trouble maker? Someone who just asks a question because they don't -

TOM COLYOTT: Someone- No, no, ma'am. It's someone who usually commits a crime, or commits an assault, or threatens people. And the board usually meets on it and they decide to ban that individual by notifying them in person or in writing not to trespass on the common ground. If he does, then it becomes a crime. It's not an internal thing. And then what I do is, I take the

case and I go to the Prosecuting Attorney. He files it with Judge Hyde. And - I'm not convincing him - We've had to prosecute people before for trespassing on common ground when they were told to leave or when they were banned. Because there is a separate entity there from between the private property owner and trusteeship property. The Judge has recognized that. And we've got case precedent on it where he's found people guilty of - of trespass.

PROPERTY OWNER: Are they given a letter to define why they're being banned, or are they simply told to stay out?

TOM COLYOTT: It's specifically spelled out. It's like the Prosecuting Attorney said - I'm quoting the Prosecuting Attorney - Not that this board has ever done it. I have never witnessed it in nine years that I've been here, so I - You can't accuse this board of it. But if the board wanted to be that way, according to the Prosecutor, the - the trespassing law can be enforced for a reason as simple as, *I don't like you*. Now has this board ever done that? No. Because their ethics are higher than that. I think simply because you don't like someone is no reason to ban them from common ground. To me, you need a more justifiable reason. And the board has never done that, to the best of my knowledge, based upon the fact that they don't like somebody. But keep in mind, the Prosecutor has said, on the State Trespassing Law, that the reason for banning or charging someone with trespassing can be as simple as, *I don't like you*. If you had someone in your front yard and you called me to the scene, and you wanted them removed, I'm obligated under law to respect your right to enforce the law and remove them. If you want them charged, I have to charge them. I'm obligated on that.

PROPERTY OWNER: And is that person-

TOM COLYOTT: And the board- And the board, being the keeper of the property and representing you on this property - just like this building, it belongs to the trusteeship. If they wanted to prosecute, they could. Usually, they don't. I've only had a handful of cases in nine years where I've had to prosecute somebody for trespassing on common ground. I've even had one individual who came back and challenged it while being on probation, and the Judge had to come back and spank him again a second time.

PROPERTY OWNER: Was that person allowed to come to the property owners' meetings (inaudible, due to Mr. Colyott's interruption) -

TOM COLYOTT: I do believe the board has made an exception in those cases in the past, because they're a property owner - that they are allowed to come to the two public meetings every year. Now, a meeting like this, if they're banned from common ground they most likely - I believe their policy has been in the past to not allow them to be here. But, the two public meetings, they want to give them the right to be here and to vote. And it's like a temporary lifting of the ban so they can come here and vote and participate and leave.

PROPERTY OWNER: So, are they refunded any of that assessment that they have paid for a 12-month period because they're not allowed to use what they paid assessments for on that property. And what happens to that property since now they are currently banned from that property? Do they have the right to sell it? Do they have the right to rent it?

TOM COLYOTT: No, we're talking about common ground. We're not talking about their private lot.

PROPERTY OWNER: Okay, but -

TOM COLYOTT: Their private lot is theirs.

PROPERTY OWNER: As you said, they don't have access to it. They don't have access to maintain it. They don't have access to get their property because they were only given so many hours.

TOM COLYOTT: And that's when they-

PROPERTY OWNER: As an example, if it were me. I have a camper out there and I have no place to store it. I cannot personally store it at my home because I'm in St. Louis County.

TOM COLYOTT: Right.

PROPERTY OWNER: I would have to make arrangements. I have a shed that I physically can't just hook up to the back of my truck.

TOM COLYOTT: Right.

PROPERTY OWNER: And I have property inside that shed. It would take me longer than two or three hours-

TOM COLYOTT: For you to be -

PROPERTY OWNER: - to get my property off of -

TOM COLYOTT: For you to be in that situation where you couldn't get to your property, like the board stated awhile ago, you would have had to have done something in violation of the indentures or rules to where they denied you vehicular access. You could still walk in. You could still come in and get in someone else's car.

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