

FILED TIME

IN THE CIRCUIT COURT OF THE COUNTY OF CRAWFORD

APR 09 2012

STATE OF MISSOURI

CIRCUIT CLERK  
CRAWFORD CO. MO

WOODLAND LAKES TRUSTEESHIP, INC., )

Plaintiff, )

vs. )

DAVID CAMPBELL and )  
CATRENIA CAMPBELL, )  
Serve at: 250 South 4<sup>th</sup> Street )  
Steelville, MO 65565 )

Defendant. )

Cause No. 12CF-CC00030

Division No. II

Exh.b.+  
12

**PETITION FOR MALICIOUS PROSECUTION, DEFAMATION AND LIBEL**

Comes now Woodland Lakes Trusteeship, Inc., by and through their counsel, Baylard, Billington, Dempsey & Jensen, P.C. and for their Petition states as follows:

**COUNT I - MALICIOUS PROSECUTION**

1. Plaintiff is a Missouri not-for-profit corporation with its principal place of business located in Washington County, Missouri.
2. Defendants are individuals with their primary residence located in Crawford County, Missouri.
3. On January 18, 2012, the Defendant did file a federal lawsuit against Plaintiff alleging several and various unfounded and false allegations.
4. Defendant filed said suit knowing that the allegations were false and that the suit was frivolous.

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Exh.b.+  
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5. As a direct result of Defendant's frivolous and malicious prosecution of Plaintiff, Plaintiff suffered and incurred attorney's fees in the amount of Twenty Thousand Eight Hundred Sixteen Dollars (\$20,816).

6. The federal lawsuit was dismissed by the Southern District of Texas.

7. Defendant's actions were done maliciously and with wanton disregard of Plaintiff's rights, and therefore, Plaintiff is entitled to a reasonable sum of punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendant in the amount of Twenty Thousand Eight Hundred Sixteen Dollars (\$20,816); for an award of punitive damages; for their costs incurred herein; and for such other and further relief as the Court deems just and proper.

**COUNT II - DEFAMATION AND LIBEL**

1. Plaintiff realleges and incorporates by reference its allegations contained in Count I of Plaintiff's Petition.

2. Defendant further published false and misleading information about the Plaintiff on the internet.

3. Said defamatory information and statements identified the Plaintiff by name.

4. The statements made by Defendant were inherently false and made to disparage Plaintiff's character and good name.

5. Defendant published the information stated herein with actual malice and in wanton disregard of Plaintiff's rights, and therefore, punitive damages would be proper.

6. As a direct result of Defendant's publishing of the false statements, Plaintiff was damaged by loss of business.


Exh. b: + Q  
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WHEREFORE, Plaintiff prays for judgment against Defendant in an amount in excess of Twenty-five Thousand Dollars (\$25,000); for an award of punitive damages; for their costs incurred herein; and for such other and further relief as the Court deems just and proper.

BAYLARD, BILLINGTON & DEMPSEY, P.C.

By:   
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Exh. bit ①  
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DEFENDANTS'  
EXHIBIT  
DSJ-135, P.1

Attach. Q

FILED		
O'clock	Minutes	M.
APR 21 2014		
By <u>Patricia J. Bayer</u>		

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON

STATE OF MISSOURI

WOODLAND LAKES TRUSTEESHIP, INC., )

Plaintiff, )

vs. )

DAVID CAMPBELL and )  
CATRENIA CAMPBELL, )

Defendants. )

Case No. 13WA-CC00410

Transferred from Crawford County  
Circuit Court as

Case No. 12CF-CC00030

Division No.

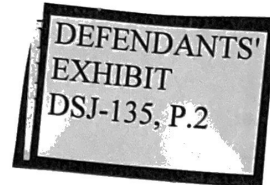
**FIRST AMENDED PETITION FOR  
MALICIOUS PROSECUTION, DEFAMATION AND LIBEL**

Comes now Woodland Lakes Trusteeship, Inc., by and through their counsel, Baylard, Billington, Dempsey & Jensen, P.C. and for their First Amended Petition states as follows:

**COUNT I - MALICIOUS PROSECUTION**

1. Plaintiff is a Missouri not-for-profit corporation with its principal place of business located in Washington County, Missouri.
2. Defendants are individuals with their primary residence located in Crawford County, Missouri.
3. On January 18, 2012, the Defendant filed a federal lawsuit against Plaintiff alleging several and various unfounded and false allegations.
4. Defendant filed said suit knowing that the allegations were false and that the suit was frivolous.

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Q  
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5. As a direct result of Defendant's frivolous and malicious prosecution of Plaintiff, Plaintiff suffered and incurred attorney's fees in the amount of Twenty Thousand Eight Hundred Sixteen Dollars (\$20,816).

6. The federal lawsuit was dismissed by the Federal Court of the Southern District of Texas.

7. Defendants filed the suit in an attempt to punish Plaintiff for properly enforcing its restrictions and indentures.

8. Defendant's actions were done maliciously and with wanton disregard of Plaintiff's rights, and therefore, Plaintiff is entitled to a reasonable sum of punitive damages.

WHEREFORE, Plaintiff in Count I prays for judgment against Defendant in the amount of Twenty Thousand Eight Hundred Sixteen Dollars (\$20,816); for an award of punitive damages; for their costs incurred herein; and for such other and further relief as the Court deems just and proper.

**COUNT II - DEFAMATION AND LIBEL**

1. Plaintiff realleges and incorporates by reference its allegations contained in Count I of Plaintiff's First Amended Petition.

2. Defendant further published false and misleading information about the Plaintiff on the internet.

3. Said defamatory information and statements identified the Plaintiff by name.

4. The statements made by Defendant were inherently false and made to disparage Plaintiff's character and good name.

5. Defendant published the information stated herein with actual malice and in

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wanton disregard of Plaintiff's rights, and therefore, punitive damages would be proper.

DEFENDANTS'  
EXHIBIT  
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6. As a direct result of Defendant's publishing of the false statements, Plaintiff was damaged by loss of business and damage to its reputation.

WHEREFORE, Plaintiff in Count II prays for judgment against Defendant in an amount in excess of Twenty-five Thousand Dollars (\$25,000); for an award of punitive damages; for their costs incurred herein; and for such other and further relief as the Court deems just and proper

**Count III - Suit on Account**

1. Plaintiff realleges and incorporates by reference its allegations contained in Counts I and II of Plaintiff's First Amended Petition.

2. All lots within Woodland Lakes Subdivision are subject to and governed by a "Trust Indenture and Restrictive Covenants" recorded of record in Book 199, Page 92 in the Office of the Recorder of Deeds of Washington County, Missouri, as amended, a copy of the most recent version being recorded at Book 2013, Page 8917.

3. Defendants are the owners of Lots 25-4-19, 26-4-19, 3-2-11 and 20-3-19 located within the Woodland Lakes Subdivision of Washington County, Missouri.

4. As of March 1, 2014, Defendants are indebted to Plaintiff in the amount of \$1,104.43, representing assessments on Defendants' real property for 2013 and 2014.

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5. Pursuant to the Indentures, Plaintiff can charge a reasonable attorney fee in the collection of these assessments.

6. Plaintiff has incurred attorney fees in excess of \$1,500.

WHEREFORE, Plaintiff in Count III prays for judgment against Defendants in the amount of \$1,095.47; for any additional assessments that accrue following the date of this First Amended Petition through the date of judgment; for Plaintiff's attorney's fees in excess of

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DEFENDANTS'  
EXHIBIT  
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\$1,500 in prosecuting this action herein; for Plaintiff's costs incurred herein; and for such other and further relief as the Court deems just and proper.

BAYLARD, BILLINGTON & DEMPSEY, P.C.

By 

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ATTORNEY FOR PLAINTIFF

THIS IS TO CERTIFY that a copy of the above and foregoing was mailed on April 3, 2014 to Mr. Gary G. Matheny, Attorney at Law, Liberty Hall Building, 400 N. Washington, Suite 113, Farmington, MO 63640.

  
DAMIAN R. STRUZZI

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