

IN THE CIRCUIT COURT OF THE 23RD JUDICIAL CIRCUIT
OF MISSOURI AT HILLSBORO, JEFFERSON COUNTY, MISSOURI

JEFFERSON COUNTY RAINTREE)	
COUNTRY CLUB, LLC, et al.,)	
)	
Plaintiffs,)	
)	Case No. 13JE-CC00841
vs.)	
)	
RAINTREE PLANTATION PROPERTY)	
OWNERS ASSOC., INC.,)	
)	
Defendant.)	

ORDER GRANTING PRELIMINARY INJUNCTION
AND OTHER RELIEF

On April 22, 2014, Defendant's Motion for Temporary Restraining Order and Preliminary Injunction ("Plaintiff's TRO Motion") was argued and submitted. The parties were directed to submit proposed scheduling Orders within 14 days. The Court indicated a scheduling Order would be issued thereafter. The case was set for trial on October 27 and 28, 2014.

The parties recently submitted their proposed scheduling orders. Defendant also recently submitted a Motion to Reconsider Trial Setting.

This case is simple factually but complex legally. This case concerns a dispute between a golf course country club ("Club") located in a residential subdivision and the subdivision that was developed around the Club. Some of the subdivision restrictions concerned the Club. A prior Judgment entered in case number 08JE-CC01575 ("2011 Judgment") determined some issues involving the Club assessments. That case, decided July 7, 2011, held that owners of lots in Sections 20 - 25 of Raintree Plantation Subdivision are social members of the Club, with a mandatory obligation under the pertinent restrictions to pay assessments. The 2011 Judgment determined that these lot owners have no right to modify or terminate their obligations. The 2011 Judgment was affirmed by the Court of Appeals, by its Mandate filed on May 31, 2012.

The instant litigation appears to be a partial response to the 2011 Judgment. In September 2013, Defendant lot owners ("Owners") held an election and voted to delete the paragraph of the subdivision restrictions that authorized Club dues to be assessed against lot owners.

Plaintiffs filed this litigation asserting that the subject vote and action in September 2013 was invalid. Defendant counterclaims on the basis that Plaintiffs violated various agreements and that the vote was valid. All parties seek injunctive relief.

A stipulated Order of Preliminary Injunction was entered October 23, 2013. It enjoins Defendant from deleting the subject paragraph or taking other action implementing the results of the September 2013 election.

Defendant now seeks a TRO and preliminary injunction precluding Plaintiffs from sending bills to lot owners, except those that were voluntary members in the most recent year, and for other relief.

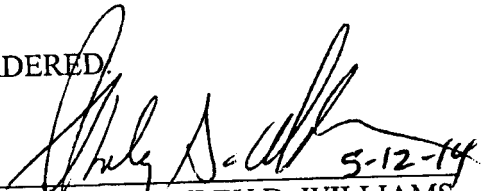
The factual description above is not entirely accurate and complete. The record parties have changed as the Club ownership was transferred one or more times. Other relevant facts have not been listed. In substance, however, the case largely hinges on the legal interpretation of the 2011 Judgment, the various subdivision restrictions, and the September 2013 election. The case should be tried on a stipulated set of certain facts and less than one day of evidence in controversy. The Court allowed two days of evidence.

At oral argument, the Court expressed displeasure with certain wording in Plaintiffs' billings that may be deceptive. Factual findings are deemed determined in accord with the Orders entered in this case. No adequate remedy legal exists for Defendants. Limited injunctive relief is appropriate.

Being fully advised, it is ORDERED as follows:

1. Defendant's TRO Motion is granted in part.
2. Plaintiffs are immediately enjoined and precluded from engaging in unfair or deceptive billing practices with respect to any lot owner in Raintree Plantation Subdivision.
3. Defendant shall post a bond of \$100.00 within 2 days hereof; paragraph 2 herein is not operative until the posting of the subject bond.
4. Both the Order in paragraph 2 herein and the October 23, 2013 Preliminary Injunction shall remain in full force and effect until the conclusion of this case.
5. Defendant's Motion to Reconsider is not ruled on at this time but may be denied.
6. Defendant's proposed scheduling order is entered with certain modifications as set forth therein.

SO ORDERED.


HONORABLE STANLEY D. WILLIAMS
SPECIAL JUDGE

CC: Attorneys or parties of record