

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY

(Name all parties)

KIRK G. DENZ, CYNTHIA L. DENZ
34444 CONVERSE LANE
INGLESIDE, IL 60041
(847) 740-3179

Plaintiff

vs.

WOOSTER LAKE CONSERVATION & CONTROL ASSOCIATION, INC.,
ITS LATEST & FORMER BOARD MEMBERS,
AND ITS LATEST REGISTERED AGENT
C/O PEGGY TRELFOED, LATEST REGISTERED AGENT
26065 W. WOOSTER LAKE DRIVE,
INGLESIDE, IL 60041 (847) 740-5421

Defendant

No.

13 SC 5244

Amount Claimed \$

5,000⁰⁰

SUMMONS

To each defendant:

YOU ARE HEREBY SUMMONED and required to appear before this Court at Courtroom 306, 18 North County Street, Waukegan, Illinois, at 9:00 A.M. P.M., on OCTOBER 31ST, 2013 to answer the complaint in this case, a copy of which is hereto attached. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service and not less than 3 days before the day for appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 3 days before the day for appearance.

WITNESS

OCT - 4 2013

, 20

(Seal of Court)

(Clerk of the Circuit Court)

(Deputy)

(Plaintiff's attorney or plaintiff if he or she is not represented by an attorney)

Name KIRK DENZ

Attorney for _____

Address 34444 CONVERSE LANE

City INGLESIDE, IL 60041

Telephone 847 363-5590

NOTICE TO DEFENDANT

IF YOU WISH TO CONTEST THIS CLAIM, you must do the following:

(A) Pay the statutory appearance fee (NO PERSONAL CHECKS ACCEPTED).

(B) File a written appearance (forms may be obtained at the main office of the Clerk of the Circuit Court) on or before the day and time specified for appearance, hereinafter called the return day.

(C) Mail or otherwise deliver to the plaintiff's attorney or the plaintiff if there is no attorney, a copy of your appearance.

(D) IF the appearance is timely filed and the fee paid, you are NOT required to appear in court in person on the return date, instead you should be present in court at the specified address prepared to proceed to trial at the same time on the 14th day after the stated return day.

In the event the trial day falls on a court holiday, the trial shall be held on the next earliest court day following said court holiday.

IF YOU DO NOT WISH TO CONTEST THIS CLAIM, you need not appear in person or file a written appearance and a judgment will be entered against you on the return day for the amount claimed by the plaintiff in the complaint plus court costs.

**In the Circuit Court of the Nineteenth Judicial District
Lake County, Illinois**

Kirk G. Denz, Cynthia L. Denz,)
34444 Converse Lane)
Ingleside, IL 60041)
PIN 05-23-401-005)
(847) 740-8179)
)
Petitioners,)
)
v.)
)
Wooster Lake Conservation)
And Control Association, Inc., (WLCCA))
its latest and former Board Members,)
and its latest Registered Agent)
)
)
c/o Peggy Trelford, latest Registered Agent & Treasurer))
26665 W. Wooster Lake Drive,)
Ingleside, Illinois 60041,)
(847) 740-5421)
)
Respondents)

No. **13 SC 5244**

FILED
OCT - 4 2013
Keith Bin
CIRCUIT CLERK

COMPLAINT

Now come Petitioners Kirk G. Denz and Cynthia L. Denz, (“Petitioners”) and for their Complaint hereby state as follows:

Wooster Lake is a glacially-formed, non-navigable, non-public, commonly known as “private” lake without a public launch and is located in Grant Township, Lake County Illinois. Wooster contains multiple (approximately 43) privately owned parcels bordering and/or extending into the lake, including that of the Petitioners who own lake property at 34444 Converse Lane, Ingleside, IL 60041, PIN 05-23-401-005. Wooster Lake is bordered by the municipalities of Round Lake to the southeast and Fox Lake to the west, whereas the lake is vastly unincorporated Lake County (“Ingleside”), including on the south side, southwest side, north side, northeast side, and east side, where 05-23-401-005 is located.

The Wooster Lake Conservation & Control Association (WLCCA) - without the signed consent of all the owners of the Wooster Lake properties – for many years have with malice and by way of their own Board-

approved Meeting Minutes documented and admitted to conspiring with others to abuse public resources and wrongfully create, widely distribute, and facilitate recordings of documents at Lake County Recorder of Deeds Office – including document #5094179 recorded January 13, 2003 which makes slanderous, restrictive statements about the private property such as:

“The use and maintenance of Wooster Lake is governed by that certain Wooster Lake Declaration of Covenants, Conditions and Restrictions...Wooster Lake is administered by the Wooster Lake Conservation and Control Association....” and

“The following uses and activities are hereby expressly prohibited on Wooster Lake at all times

- 1. The use of wave runners, jet skis, or personal motorized sport craft*
- 2. Any water skiing, tubing, or other activity in which a skier or device is pulled by a boat.”*
- 3. No trapping of animals*
- 4. No hunting of animals or waterfowl is permitted....”*

These and further restrictions and claims are contained therein such as the lake property owners being “*Declarants*” of “*binding*” restrictive covenants, restricting the recreational use of private lake properties, at times creating unsafe and hostile recreational conditions on the owners’ lake properties and intentionally slandering the owners’ Wooster Lake properties - including lake property 05-23-401-005 - significantly and negatively impacting the lake property’s value.

WHEREFORE,

Petitioners pray that this Honorable Court will enter a judgment in favor of the Petitioners of **\$5000** or the entire sum available to the Wooster Lake Conservation and Control Association, Inc. at the time of filing of this Complaint, or a greater amount that this Court deems appropriate and any punitive damages that the Court may deem appropriate. Petitioners pray that this Honorable Court will also enter a judgment awarding the Petitioners additional amounts covering the filing fees and any attorney fees associated with the Complaint.

LONG HISTORY OF: Collaborative Schemes Via Associations, Recorded Lake Restrictions, Slander, Developments, Annexation, Covert Municipal Ordinances, Abuse of Public Resources, & Promotion of Conflict - all to restrict recreational rights on private Wooster Lake:

1. **On December 14, 1988**, by ruling of the Illinois Supreme Court, each and every lake bottom owner and his/her licensees through ownership of such lake bottom property of a private lake have the **valuable right** to various forms of recreation over the entire waters of the private lake, under the protection of and within the confines of Illinois state law, forms which include -but are not limited to- hunting, fishing, tubing, skiing, jet skiing, and boating at wake-producing speeds. By that same High Court ruling in Illinois, an association(s) does not have authority to restrict any lake bed owner or his or her licensees who have not relinquished their properties to be subject to such a lake association.

Please see Illinois Supreme Court ruling Beacham v. Lake Zurich Property Owners’ Association, 123 Ill. 2d 227; 526 N.E. 2d 154; 1988, Ill. LEXIS 91; 122 Ill. Dec. 14

2. In late 1994 and **January 1995**, while aware of the above ruling of the Beacham case of Lake Zurich - which like Wooster is a private lake- and while fully aware all owners of private Wooster had not signed over their rights to be bound by covenants or restrictions to Wooster Lake, some individuals around Wooster Lake acted to resurrect an association -called the Wooster Lake Conservation and Control Association, hereafter referred to as "WLCCA". Originally founded in 1966 but defunct for approximately 22 years in 1972 to 1994, the WLCCA was reestablished then later drafted and facilitated the recording of restrictive rules for the private waters of Wooster Lake, restrictions limiting the lake property owners' rights to the private lake which had previously just been defined by the state's High Court. In addition to pursuing the perception of special rules on Wooster Lake the WLCCA became concerned of U.S. Vacation Resorts', MacNeal's "Holiday Park", and other property owners' intentions to sell to developers large lakefront/ bottom properties, one development which eventually became to be known as Tanneron Bay Condominium complex and later another development called Cambridge of Holiday Park.

Documented in the WLCCA meeting January 20, 1995 lead by Vice President Geraldine Stimpson: *"The rest of the meeting was spent in general discussion about rules we want to govern our lake. We need to get this done in order to present them to Lake County Zoning or Real Estate Agents so they may be included in the covenants of any developer or land owner (selling) in order to protect Wooster Lake."*

Please see Board-approved WLCCA meeting minutes dated November 27, 1994, December 11, 1994, and January 20, 1995.

Later Meeting Minutes also reveal WLCCA Officers & Members admitted to knowing Lake Zurich Property Owners' Association had already lost 3 times in Court, unsuccessfully trying to enforce covenants where all of the individual lake's bottom owners had refused to relinquish their property rights to be governed by a "lake association". (Beacham v. Lake Zurich Property Owners Association, 1988)

3. **On July 28, 1994**, just months before the resurrection of WLCCA, Ms. Stimpson, writing on behalf of East Shore Wooster Lake Improvement Association and copying many of the members of the soon-to-be resurrected WLCCA, wrote Chairman Richard Raftis of the Lake County Department of Planning, Zoning (LCDP&Z) Committee and Environmental Quality claiming owners of the lake have all agreed to special rules, stating:

"Are the developers of this proposed development aware of historical agreements regarding lake use by landowners around Wooster Lake and will the proposed development comply with these long-standing agreements?"

Please see Ms. Stimpson's letter dated 7/28/1994.

4. **On August 12, 1994**, the Illinois Department of Conservation disputes claims made by others and Ms. Stimpson, IDOC specifically stating:

"..it is my opinion that the development of Lakeside Woods Subdivision (which is now known as Tanneron Bay Condominium complex) is not likely to have significant adverse effects on the endangered and threatened fishes that occur in Wooster Lake."

Please see IDOC letter dated 8/12/1994.

5. **On September 15, 1995**, on WLCCA letterhead, WLCCA Vice President Geraldine Stimpson seemingly disregards the IDOC's opinion and indicates she has obtained "*written documentation*" about the lake's usage, which she indicates the County has requested. Officer and Vice President Stimpson continues to purport some kind of agreement of the lake's legal owners by claiming:

"Wooster Lake is a privately-owned body of water with each property owner fronting the lake and owning shares of the lake bottom. Historically, a "gentleman's agreement" has existed. To better express the concerns of the homeowners of this lake, it was recommended at a meeting last November that the County have written documentation. Through the efforts of these homeowners, the association has proposed the enclosed covenants. We are hopeful that these covenants will be addressed by the developer of Lakeside Woods (now known as Tanneron Bay) as part of their Homeowners Covenants and Restrictions."

Please see WLCCA Vice President Geraldine Stimpson's letter dated 9/15/1995.

Please see "Declaration of Covenants, Conditions, & Restrictions", hereafter referred to as "DCCR's", faxed from Attorney Richard Nakon with date stamped 8/31/1995 to WLCCA Vice President Robert Faber, a document obtained from Lake County Building and Zoning Department, a document later discovered to be merely a "draft" and not a finalized document.

With this document of September 15, 1995 and its attachment, the Officers & Members of WLCCA with malicious intent began to wrongfully fabricate, purport, and widely circulate, including to the County of Lake and local municipalities, "*Declarations of Covenants, Conditions, and Restrictions*" for Wooster Lake private properties, listing owners to be "Declarants" in "Exhibit A" of the document that are obligated to the DCCR's, a document with the name of Attorney Richard J. Nakon, attorney licensed to practice law in Illinois and located in Wauconda, IL, purported as the DCCR preparer. **All the said "Declarants" or individual owners of the lake had also not signed the document.**

6. **On March 11, 1996** WLCCA President Robert Faber wrote Deputy Director of Lake County Department of Planning, Zoning, and Environmental Quality Robert Mosteller, soliciting for Lake County of Lake to assist in their scheme of inserting these invalid DCCR's into the subdivision/association developing on the "Ross Property", south side of Wooster Lake, now known as Silver Leaf Glen Subdivision which annexed into V. of Round Lake.

Please see WLCCA President Robert Faber 3_11_96 letter attached within the 3_22_96 Board approved WLCCA Minutes.

Please see highlighted sections of the 5 additional sets of Board-approved WLCCA Minutes dated 9_10_95, 11_10_96, 2_2_03, 5_9_05, and 10_15_06 (mistakenly labeled 11_15_06).

7. **On November 10, 1996**, the Board-approved WLCCA Meeting Minutes discuss restrictive lake covenants and state their concerns about incoming developments:

"Gerry Stimpson Vice President then opened the meeting to Sue Rochlis (WLCCA Director) Sue updated the members on the Ross Property, the Nybol property (now Silver Leaf Glen development), and the proposed Holiday Park area (now Cambridge at Holiday Park development).....Gerry Stimpson also stated the development on the U.S.V.R. (now Tanneron Bay development) property is coming up for final plat approval.... Gerry Stimpson explained the procedure of those that do sign on to the Covenants, that they would run with the land from that time on. She also stated that those who do not sign on, there is no enforcement with those Members."

Please see Board approved WLCCA Meeting Minutes dated 11/10/1996.

8. **On November 25, 1996**, the Declarations of the Tanneron Bay Condominium Association (TBCA) are recorded at the Lake County Recorder's Office, document # 3903846. Contrary to what Lake County Board Member later claims on 9/6/2005 on record at the Village of Round Lake, residents buying condominiums at Tanneron Bay are not buying into any TBCA Declarations that would prohibit them from certain, recreational activities of Wooster Lake that are legal under Illinois state law. Rather the development's then recorded Declaration clearly stipulates:

4.02 "...Uses normally associated with the use and enjoyment of lakes and ponds shall be permitted, including but not specifically limited to: the installation, use and maintenance of beach areas, boat ramp, docks, piers, paths, and walkways; swimming; fishing; boating and other activities normally associated with such resources. All such activities shall be governed by the Rules and Regulations of the Association."

The residents of TBCA and only the residents of the TBCA are regulated by the willful decisions subsequently made by the TBCA board, not the developer's submitted TBCA Declaration.

Please see TBCA Declaration, document #3903846.

9. **On January 13, 1997** the basis for the distribution of the DCCR's was supported by WLCCA Board Meeting Minutes which document WLCCA Officers & Members stating they have been advised by legal counsel, including attorney Richard Nakon, that in order for such documentation to be valid, the following must occur:

- a. each of the multiple, lake owners' acceptance of any covenants including the DCCR's,
- b. incorporation of the acceptance into each of their property deeds, and
- c. an official recording.

WLCCA Officers and Members repeatedly admitted they will not be able to get the lake owners to agree to sign on to the Declaration. Those Officers and Members apparently ignored attorney Richard Nakon's advice and then admitted to resorting to an alternate scheme to portray "paid membership" as "Declarants" in an effort to intentionally deceive others and portray validity to the DCCR's with incoming developers/buyers of property.

"(WLCCA Member) Ron Moyer said that as a paid member of our organization we implicitly agree to abide by the covenants. We have a much greater percentage of paid members than we'll be able to get members to sign the agreement. This would make a bigger impression."

"It was agreed we (WLCCA Board & Membership) will never get everyone to sign the agreement because we'll always have someone in a family who wants to hunt, jet ski, etc."

"(WLCCA Member) Steve Smith repeated his belief that we'll have more power if we quote our percentage of paid membership rather than (unsuccessfully) trying to get people to sign an agreement."

Please see Board-approved WLCCA Minutes dated January 13, 1997.

- 10. On January 13, 1997, Ann Wach the WLCCA Secretary, in agreement with the WLCCA, announced she intended to convert an attorney's draft of covenants and restrictions of Wooster Lake into a version that would appear to be a finished and prepared by that attorney.**

"(WLCCA Secretary) Ann Wach intends to retype the Covenant document (DCCR's) during 1997 since we only have a faxed copy (draft) from Richard Nakon, the lawyer who drafted them for us. We never received a bill for the work so we don't feel we can ask for the original. During the retyping, Ann could incorporate the amendments into the document. The beginning of the document reads, 'This declaration made this ____ day of July, 1995. It was faxed on 8/31/1995. We need to decide what date should be filled in.'"

The Board-approved Minutes then reveal:

"Only covenants that are recorded on deeds will be binding. Faith and Naomi (both WLCCA Officers) have done research on how to attach the covenants to a deed. When we approach developers with the covenants, it adds more power if we can say that x % of the members have signed an agreement to abide by these laws... (Vice President) Gerry Stimpson reported Lake Zurich does record their agreements on the deeds but they don't have everyone signed on. Lake Zurich's Association has sued for not following the covenants and restrictions in three instances, at substantial cost to the association (losing through to the Supreme Court level)... The fact that we have written covenants is more progress than a gentlemen's agreement."

This clearly reveals the WLCCA Board Members' understanding of the court rulings from *Beacham v. Lake Zurich Property Owners' Association, 1988* but proceeded with WLCCA's deceptive intentions and with the unsigned DCCRs.

Please see Board-approved WLCCA Minutes dated January 13, 1997.

11. It is later clarified the WLCCA Secretary Ann Wach intended to retype from the original, faxed draft sent from attorney Richard Nakon. The intent of the WLCCA admits to extend these restrictions to newly arriving residents of developments buying property in the area.

“Tanneron Bay: Karen Penland has a list of homeowners currently in residence. When they reach 75% occupancy, the management will transfer to the owners. The homeowners will then elect a representative to attend our meetings. We plan to invite the owners to attend one of our meetings and discuss the purpose of our organization. Karen noted that she could not find a copy of our By Laws, Covenants and Amendments. Ann Wach said that she had not been passed a copy when she became secretary. Ann’s only copy is a copy from a fax on which she took notes when she originally received it. Ann wanted to retype the whole thing last year but did not have time. Faith Calvert said she would check what she has.”

Please see Board-approved WLCCA Minutes dated January 26, 1998

12. **On August 5, 1999**, Tanneron Bay had many residents and for the first time attended a WLCCA meeting. As the WLCCA Secretary Ann Wach still had not yet retyped the lost, original draft of WLCCA DCCR’s, WLCCA President Ken Calvert rushes and chooses to do the “retyping” himself for the 8_15_1999 WLCCA meeting, in an effort to have them in place prior to the arrival of the new members from Tanneron Bay.

“Wooster Lake Declaration of Covenants, Conditions, and Restrictions (WLCCA President) Ken (Calvert) spent three days retyping the covenants, incorporating our amendments, because the only version we had was a faxed version (draft from attorney Nakon) that was difficult to read. He provided everyone present with a copy. Anyone interested in receiving a copy should contact Ann Wach. Copies will be available at the picnic and at our Oct. 3rd meeting.”

The (later recorded) WLCCA DCCRs cover page itself reveals:

“THIS DOCUMENT RETYPED 7/1/1999 WITH ADDITIONS AND AMENDMENTS BY

***Kenneth C. Calvert
President of the WLCCA, Inc.
26665 Wooster Lake Drive
Ingleside, IL 60041”***

(This is a lake property now held by Peggy Trelford -last Treasurer and Registered Agent of the WLCCA- who has full access to her own property title and deed so as to confirm any legal concession of her Wooster Lake property to the WLCCA as the DCCRs claim.)

Please see Board-approved WLCCA Minutes dated August 5, 1999

13. Thereafter and to present day, the WLCCA successfully convinced the Tanneron Bay Condominium Association Board to, at the will of Tanneron Bay Association Board, join in with their scheme to represent the WLCCA DCCR’s as the document controlling the owners’ use of the privately owned lake.

Please see advertised WLCCA DCCR’s and TBCA website:

<http://www.tanneronbay.com/WLCCAcov.pdf>, presumably adopted into TBCA's bylaw not found recorded in TBCA Declaration at the Lake County Records Office.

14. **In March, 2000**, WLCCA Officers and Members continued to document admission in WLCCA Meetings that they are unable to convince all individual lake property owners to voluntarily contribute their lake properties to the WLCCA and DCCRs, nonetheless, WLCCA Officers and Members they were able to deceive others and even convince **"the County"** to also engage and participate in this intentionally deceptive scheme to misinform these various developers and their incoming buyers of property around Wooster Lake. From the 3_19_00 WLCCA Minutes:

"(WLCCA Member) Kim Eudy explained that we went to the County as a group with our Covenants so the County understood what we wanted. The County used this as a standard for the Tanneron Bay developers and they in turn sold the condominiums using the regulations. We have used our association's strengths to influence development."

"(WLCCA President) Ken Calvert explained when Tanneron Bay was being developed, our association provided our Covenants to the builders so that the condominiums were sold with understanding the regulations."

"(WLCCA Treasurer) Gerry Stimpson stated, as a group, we try to have representation at meetings and we will provide our Covenants to the Cambridge Homes Holiday Park development."

"(WLCCA Vice President) Joe Stupar provided the Covenants to Cambridge Homes on 3/23/2000. As a group we try to show our strength."

Please see Board-approved 3_19_00 WLCCA Minutes.

15. The WLCCA endeavored to get the WLCCA DCCR's recorded into a Declaration of the Cambridge Homes at Holiday Park development. **In August 2001**, the WLCCA convinced public officials of the Village of Fox Lake to adopt ordinance 2001-52 which stipulates the developer must insert the WLCCA DCCRs into the development's Declaration. A recording of this requirement via ordinance was at the Lake County Recorder of Deeds in #4770860, which requires:

"F. That Cambridge shall create and record so as to be binding on all purchasers of lots in the Planned Unit Development a declaration of covenants and restrictions governing the use of the lots and a homeowner's association, which declaration shall be subject to the approval of the Village attorney, and which declaration shall contain at a minimum the following provisions:

...2) A provision incorporating the Wooster Lake Subdivision covenants and restrictions so that the owners of the property in the Planned Unit Development are bound to comply with said Covenants and Restrictions of Wooster Lake Subdivision."

Please see page 4 of #4770860, recorded October 1, 2001

16. **On October 5, 2001** Village of Fox Lake Attorney Howard Teegan received from Cambridge developer attorney Steven Goodman a fax containing a draft of the Cambridge Declaration, one which included the WLCCA DCCRs. The letter addressed to Village Attorney Teegan from the Cambridge attorney concludes:

"I trust that the attached is acceptable to you."

The attachment included the unsigned, WLCCA DCCRs, said Declarants, restrictions, etc.

Please see Cambridge attorney's letter to V. of Fox Lake attorney Howard Teegan, dated 10/5/2001

17. **On January 13, 2003**, as recorded at the Lake County Record's Office as record #5094179, the Cambridge at Holiday Park Development, hereafter referred to as HP, was convinced to incorporate into the HP Declaration the DCCR's of the WLCCA.

The HP Declaration #5094179 claims on page 5:

"The Development Area includes portions of what is commonly referred to as Wooster Lake, a private lake. The use and maintenance of Wooster Lake is governed by that certain Wooster Lake Declaration of Covenants, Conditions and Restrictions, a copy of which Declaration is attached hereto as Exhibit C ("Wooster Lake Declaration"). Wooster Lake is administered by the Wooster Lake Conservation and Control Association ("Wooster Lake Association") Each Resident of a Dwelling Unit shall be entitled to use Wooster Lake subject to the terms of the Wooster Lake Declaration and rules and regulations adopted from time to time by the Wooster Lake Association."

The HP Declaration#5094179 claims on page 41:

"CERTAIN USES PROHIBITED

The following uses and activities are hereby expressly prohibited on Wooster Lake at all times

- 1. The use of wave runners, jet skis, or personal motorized sport craft*
- 2. Any water skiing, tubing, or other activity in which a skier or device is pulled by a boat*
- 3. No trapping of animals*
- 4. No hunting of animals or waterfowl is permitted..."*

There are also many more restrictions claimed in #5094179 against the owners of the private lake properties.

The HP Declaration on pages 46-47 in "Exhibit A" claims a list of Wooster Lake private properties said to be "Declarants" of the WLCCA's DCCRs, a list of the lake's property addresses and PINs including 05-23-401-005 now belonging to the Petitioners.

Please see HP Declaration, recording #5094179

18. **On May 2, 2003**, Petitioners rightfully purchased their property 05-23-401-005, commonly known as 34444 Converse Lane, unincorporated Ingleside, Illinois 60041, which is a lake property of private Wooster Lake. Recording #5094179 was never presented by sellers, any title companies, or any attorneys to the Petitioners prior to purchasing their lake property. Conflicting with information recorded in #5094179, the title and deed to this lake property 05-23-401-005 show no such concession or obligation to the WLCCA and its DCCR's.

See Fidelity Title Insurance's Senior Attorney's written opinions of the WLCCA DCCRs and 05-23-401-005, as well as their title search of 05-23-401-005.

19. **On August 6, 2004**, the Lake County Sheriff's Marine Unit was contacted by WLCCA Member/Officer Sue Rosenlof complaining that people were jet skiing on Wooster Lake and as a WLCCA Official advised the police officers this was in violation of WLCCA DCCR's. The WLCCA Officer convinced the police officers to harass owners of the lake including the Petitioners and guests to enforce the DCCR's by providing the police officers with a copy and contending the Petitioners and guests were in violation of them.

Without highlighting any other issues, police officers inexplicably obliged Rosenlof and after arriving at the Petitioner's home in a Lake County Sheriff's squad car while fully uniformed, waved a provided-copy of the WLCCA DCCR's in the faces of Petitioner Kirk Denz and his guest Jim Murray, repeatedly threatening ticket and arrest, while specifically pointing to and citing the purported "no jet skiing" verbiage purported in the association's restrictive covenants.

See Lake County Sheriff's Report 04-11448 dated 8/8/04 attached, Computer Aided Dispatch notes dated 8/6/04 for 04-11448 and supplemental report 04-11448 dated 8/27/04 following up with the Lake County State's Attorney, confirming Sheriff's Deputies should not be enforcing any association's covenants, whether they be valid or invalid.

See written statement from Jim Murray, Denz's guest on 8/6/04.

See written statement from Kirk Denz regarding the 8/6/04 incident.

20. **On August 8, 2004**, conflict on the lake between residents occurred with WLCCA Vice President Scott Wold approaching the Petitioner's lake water property and shoreline, swearing and threatening violence if the Petitioners and guests did not adhere to the DCCR's.

Please see police report 04-12679.

21. **On August 18, 2004**, conflict about the lake's usage continued where then-member of WLCCA and months-later-Officer (President) of WLCCA Rob Rosenlof without invite visited the Denz household, demanding that the DCCR's be adhered to.

Please see police report 04-11535

22. **In May and June of 2005**, the WLCCA Board moved to remove the DCCR's from their manifesto. WLCCA President Dave Bond reiterates the invalidity of DCCR's and emphasizes attorney Chris Cook has placed all members "on notice". WLCCA Director Thaddeus Kochanny of Tanneron Bay disagreed with the attorney's opinion and refused to distribute copies of attorney Cook's letter at Tanneron Bay.

Please see Board-approved WLCCA Minutes dated June 8, 2005

Please see Attorney Christopher Cook's opinion letter dated May 24, 2005

23. **In May 2005**, in an email discussion about the validity of the DCCR's, on May 31, 2005 Lake County Sheriff's Department Lieutenant Bruce Scottberg –the same Lieutenant whose police officers were unlawfully convinced to harass Petitioners and their guest with the DCCRs- without a law degree writes a legal opinion claiming the lake-bordering municipality of Round Lake can adopt a restrictive use ordinance over Wooster Lake and enforce it 3 miles beyond its village borders, certainly referring to the use of 65 ILCS 5/7-4-4 . Lt. Scottberg cites another private lake in Lake County where this is already being purported, private Cedar Lake, whereas Lakes Management Mark Pfister's 2005 Summary Report of Cedar Lake indicates they are relying on 65 ILCS 5/7-4-4 to apply a village ordinance over the unincorporated lake owners on the north side of the lake.

Please see email from Lt. Bruce Scottberg dated May 31, 2005, subject title "Richard J. Nakon, Esq."

24. **On September 6, 2005** and on record at the Village of Round Lake
<http://www.eroundlake.com/meetings.asp?month=9&year=2005>

Without all the legal owners of private Wooster Lake such as the Petitioners, **Lake County Board Member Bonnie Thomson Carter** spearheaded a clandestine collaboration- with support from at least 1 WLCCA Director, several Members of the WLCCA, and Board Members of the Tanneron Bay Condominum Association – in an effort to reinforce the restrictions in the recorded DCCR's of development(s). The collaboration solicited and successfully convinced the Village of Round Lake officials to - **without notification to all the lake's owners including the Petitioners and without their approval** - adopt extraterritorial, restrictive ordinance 05-O-27 purported beyond municipal borders over private Wooster Lake.

"There's been many new developments around Wooster Lake...Silver Leaf Glen in the village of Round Lake and one in the village of Fox Lake, and their new residents there pose new challenges for the lake and for the residents that use the lake. For over 50 years, Wooster Lake has been a no-wake lake. There's been a handshake deal that everyone has agreed to

that.... So what I'm asking for here is for you to recognize there's a state statute that allows a new municipality to go to extend actually beyond the borders that you actually are on to establish the use of the lake. It gives you the jurisdiction to do that. With that jurisdiction, once this ordinance is passed, then the Lake County Sheriff's Marine Unit can actually go out there and enforce the ordinance..... Fox Lake is going to pass it. They have Holiday Park that new development from Cambridge on the lake..... It's important to know too that the residents of Silver Leaf Glen and the residents that bought in at Holiday Park development all bought in with the covenants knowing that it was a no-wake (lake). No different than the Tanneron Bay residents. They bought into it. They knew when they went there."

– Lake Co. Commissioner Bonnie Thomson Carter at the V. of Round Lake 9/6/2005

Please see signed municipal ordinance 05-O-27, dated 9/6/2005.

Please see attached 9/6/05 letter written and signed by the board of Tanneron Bay Condominium Association which was submitted by Lake County Board Member Bonnie Thomson Carter on 9/6/05 to the V. of Round Lake board in her solicitation for the no-wake ordinance.

Please see Village of Round Lake Meeting Minutes dated 9/6/05.

Please see transcript of audio recording of Bonnie Thomson Carter during the V. of Round Lake Meeting Minutes dated 9/6/05.

(Upon request from the Court, Petitioners will provide the Court with legislative history of state intervention and HB3441 of the 95th General Assembly, including expert attorney opinions that were written to local public officials, legislators, and then-Governor of Illinois, of which highlight the wasteful abuse of local government power and the illegality of the extraterritorial, no-wake ordinance adopted on Wooster Lake.)

25. **On September 7, 2005**, continuing to act only on behalf of her select friends rather than her constituents and all the legal owners of Wooster Lake such as the Petitioners, Lake County Board Member Bonnie Carter conspired with Village Attorney Howard Teegan, and set forth a clandestine effort to unlawfully solicit the Village of Fox Lake to “do the same” as she had just convinced Round Lake officials the previous night. Lake County Board Member Carter admits due process was largely bypassed (no prior notification to the lake’s owners) yet she still gloats how she pushed through her agenda, referring to her efforts of getting the ordinance adopted that very night as “great”.

Please see email from Bonnie Thomson Carter dated 9/7/05 to the Mayor of Fox Lake and attorney of Fox Lake.

26. Obtained via FOIA from the V. of Fox Lake, documents indicate the V. of Round Lake attorney Jim McGee did not recommend his client -the Village of Round Lake board - to do what Lake County

Board Member Bonnie Carter had asked and what Round Lake Mayor Gentes had recommended. Yet the village board failed to follow the advice of their own lawyer and rather did what was asked by Lake County Board Member Bonnie Carter and recommended by Mayor Bill Gentes.

Please see letter from V. of Round Lake attorney James McGee dated September 5, 2005.

27. Obtained via FOIA from the V. of Fox Lake following the V. of Round Lake adopting the extraterritorial ordinance, documents indicate Lake County Lakes Management Director Mark Pfister wrote reasons for the extraterritorial ordinance, despite the fact an environmental impact study was never done warranting such a need for the ordinance. A fax from Mark Pfister- a biologist who does not have a law degree- also indicates he made a legal interpretation of municipal jurisdiction, similar to Bonnie Carter, highlighting in his fax the statute 65 ILCS 5/7-4-4 - an arcane statute from the 1800's - could be used by the municipal officials to control vastly unincorporated, private Wooster Lake via extraterritorial jurisdiction.

Please see a copy of the statute faxed from Lake County Health Department Director Mark Pfister and his email dated 8/17/2005.

28. As admitted by Bonnie Thomson Carter, village no-wake ordinance 05-O-27 resulted directly because of the recorded DCCR's and immediately after the DCCR's were opined in writing by attorney Christopher Cook to be invalid.

- a. **On October 14, 2005**, WLCCA President Dave Bond highlights the adopted no-wake ordinance on its face claims: *"The Majority of Wooster Lake residents already follow the "agreement" and operate their water craft at no wake."* President Bond counterclaims: *"By the way the "agreement" refers to the Wooster lake Covenants and Restrictions (DCCR's), an illegal and non-binding document which states that "a no-wake' speed is enforced after sunset."*

Please see WLCCA President Dave Bond's letter to Village of Fox Lake Mayor, dated 10/14/2005.

Please see Bonnie Thompson Carter's email of said reasons for the no-wake ordinance

- b. By Bonnie Thomson Carter's own words on record at the V. of Round Lake 9/6/2005, one of Carter's primary reasons for the restrictive, no-wake ordinance was because the 3 new developments of Silver Leaf Glen, Holiday Park, and Tanneron Bay on Wooster Lake had already *"all bought in with the covenants knowing that it was a no-wake (lake)."*

Please see transcript of Bonnie Thomson Carter's statements on record 9_6_05 to V. of Round Lake Officials at the V. of Round Lake board meeting.

29. These restrictions adopted in 05-O-27 targeted all users of Wooster Lake, including the Petitioners, to comply with the ordinance, restrictions never enforced by law enforcement but were/are subject to vigilante enforcement of the rules.

- a. **On November 12, 2005**, WLCCA President Dave Bond writes to the Round Lake Board Members: *"...the no wake ordinance will not achieve any of the goals stated therein. It only strips residents of their rights and will only serve to encourage future conflicts between residents. A no wake ordinance IS NOT wanted or desired by a majority of residents. If it were, there would have been no need to "rush" passage without due notice. Our residents have been denied their right to "Due Process" as guaranteed by the 14th Amendment to the Constitution of the United States."*

Please see WLCCA letter dated 11/12/2005.

30. According to the Board-Approved WLCCA Minutes dated **November 15, 2006**, WLCCA Officer/Treasurer Peggy Trelford, who was at the time an attorney for a Fortune 500 Corporation, opined to the WLCCA about the legality of the DCCR's. President Dave Bond emphasized the continued *"misunderstanding centering on the Covenants (DCCR's)"*, claiming invalidity where WLCCA Officer Peggy Trelford on the contrary tells the Membership: *"They're not illegal, they just weren't recorded."* However, the DCCRs were in fact recorded as is evident in #5094179 and still are today. WLCCA President Dave Bond recited previous meeting's statements made by prior WLCCA Officers' and Members, indicating the recorded WLCCA DCCR's have never been valid and have never been agreed to by the lake's legal owners. Included in President Dave Bond's recanting of previous statements:

"March 19, 2000

WLCCA Board admits:

"The only way we could legally enforce anything is to have every lake bottom owner write into their deed that they accept the Covenants. We were only able to get two lake bottom owners to sign an agreement to abide by the Covenants. There is no way we would get 100% of the owners to add it to their deeds."

November 15, 2006, WLCCA Meeting Minutes then cite:

"In conclusion, (President) Dave indicated that he has the above information and other information that indicates that there was fraud and deception perpetrated on associations and on villages. This data will be available to anyone who may wish to bring legal action against individuals or the association in general for past wrong doings."

WLCCA President Dave Bond clearly admits fraud has been committed by the WLCCA.

Please see the Board-approved WLCCA Minutes labeled as 11_15_2006.

31. Lake owners', including the Petitioners', fought the usurpation of municipal power, spending large sums of personal monies in legal and attorney fees against the municipal ordinance. In 2007, citing financial reasons and poor stewardship of constituency tax dollars, Petitioners opted to voluntarily drop their lawsuit against the Village of Round Lake as state legislators had promised to set out via the legislature to clarify municipalities were already prohibited from this kind of extraterritorial zoning over water via misuse of 65 ILCS 5/7-4-4 and any such attempt was a violation of 65 ILCS 5/11-13-1 and a waste of taxpayer resources. Bill HB3441 of the 95th General Assembly was enacted into law August 18, 2008.

Please see bill HB3441 of the 95th General Assembly of Illinois, enacted into Public Act 95-0852 on 8/18/2008.

Please see Waukegan NewsSun Article dated 8/30/2008.

32. Following the enactment of HB3441 8/18/2008, local officials inexplicably refused to either enforce the unlawful ordinance or remove it from the books at the village for nearly 3 additional years. As a direct result, Petitioners and their guests have been repeatedly harassed, threatened, and/or assaulted by vigil antes demanding compliance of the purported no-wake "restrictions" of the lake.

Please see attachments of multiple, signed affidavits, and some police reports.

Please see attached guilty plea to "Careless Operation of Watercraft".

Please see the Lake County Assistant State's Attorney email stating the convicted careless operator had admitted he did these careless actions "as a volunteer of the IDNR or some other agency that polices the lake."

33. **On September 15 and 16, 2009**, Lake County Board Member Bonnie Thomson Carter continues to inflame tensions about the purported restrictions on the lake by writing:

"I don't know what your history with Wooster Lake is but I've been in and around Wooster Lake for over 50 years (even a past board member)- I know that it was a no wake lake enjoyed by fisherman and campers during that period of time."

"I don't see it as my job to contact homeowner associations regarding clarification on their message. I have been very clear with the residents at TB what the amended statute meant.", while indicating in that same email chain she had passed forth misleading and false information about HB3441.

Please see email chain from Bonnie Thomson Carter submitted (submitted within police report 09-13178).

34. **On October 19, 2009**, Silver Leaf Glen Association of Round Lake (near Wooster Lake) wrote their village officials and admitted certain individuals from the WLCCA and others distributing a no-wake petition "*misrepresented the facts*", deceiving some at Silver Leaf Glen Subdivision and tricking them into signing the petition alleging to "*keep Wooster Lake a wake free lake*" – verbally alluding to the WLCCA DCCR's needing a new village ordinance later to be known as 05-O-27 the no-wake ordinance - to achieve needed enforcement of such regulations on the private lake.

Please see Silver Leaf Glen Association letter dated 10_19_2009.

35. **On November 11, 2009**, WLCCA President Dave Bond opined the invalidity and fraudulent nature of the WLCCA DCCR's, calling it "*The DCCR lie*", writing to Tanneron Bay Condominium Association and copying Lake County Board Member Bonnie Carter and Lake County State's Attorney Michael Waller, highlighting "*Over the years there have been numerous incidents between those who insisted that the DCCR were binding on all and those who knew they were not....Round Lake's passage of the ordinance does still currently cloud the issue since some individuals still believe it is real and applicable to all.*"

Please see 11_9_2009 email from former WLCCA President Dave Bond to TBCA.

36. Because lake regulations advertised and recorded- including in #5094179 and on websites- continued to be purported, resulting in continued harassment, threats, and conflict against those recreating at wake-producing speeds on the lake, in August of 2010 the Lake County Sheriff's Marine Unit for the first time ever launched its watercraft on to Wooster Lake, via Tanneron Bay Association's private launch, to patrol the lake.

Please see picture of the Lake County Sheriff's boat patrolling on Wooster Lake.

Please see the long history of reports to the Lake County Sheriff's Depart over the use of the lake.

37. On June 20, 2011, the Village of Round Lake board finally voted (unanimously) to rescind ordinance 05-O-27 on June 20, 2011, whereas newspaper reports and the village's own meeting minutes highlight the ongoing and escalating conflict over the lake's usage.

Please see 6/20/2011 Meeting Minutes of V. of Round Lake.

Please see Daily Herald article "*Round Lake ends boating speed limit for private lake*" dated 6/23/2011 and attached Waukegan NewsSun article "*Round Lake gives up on Wooster Lake no-wake rule*" dated 8/10/2011.

38. Despite the enactment of the bill, local officials had refused to rescind 05-O-27 until 6.5 years after its adoption, that whole time reinforcing the restrictions previously and still recorded of the WLCCA DCCRs. Certain individuals around the lake have resorted to continue to purport the validity of the

WLCCA DCCR's, listing owners' addresses and Property Identification Numbers (including the Petitioners' address 34444 Converse Lane, Ingleside, Illinois, 60041, PIN 05-23-401-005), claiming owners of the lake being bound to said DCCR's. This can be found on Tanneron Bay Association's website www.tanneronbay.com/government.html Please see **Tanneron Bay website printout**. From there it links the "Wooster Lake Conservation and Control Covenants" at <http://www.tanneronbay.com/WLCCAcov.pdf>.

39. **On August 10, 2011** Lake County Board Member Bonnie Thomson Carter inflames matters further on Wooster Lake by making more opinionated, slanderous statements claiming restricted usage. Bonnie Thomson Carter admits the purported regulations of the lake, have gone on for many, many years, claiming "*generations*".
- a. Contrary to the village's own 2011 survey, Thomson Carter claims: "*I'm disappointed that the majority, several generations of people, have done everything they can to protect the lake.*"
 - b. Thomson Carter claims she "*gathered 400 signatures multiple times from people who own lake bottom and have lake rights*", when in actuality there are only approximately only 43 different private Wooster Lake properties.
 - c. "*Thomson said there had always been a gentlemen's agreement about the lake, until Kirk Denz moved on to the lake and wanted to water ski and use his personal water craft. 'He doesn't care about a valuable resource' she said. 'He'll do it whether there is an ordinance or not.'*" continuing to portray Kirk Denz, his guests, and anyone who doesn't follow the said lake restrictions as in the wrong.

Please see NewsSun article, dated August 10, 2011.

40. **On August 23, 2011**, Petitioner Kirk Denz met with Attorney Richard Nakon where Attorney Nakon admits verbally to Petitioner Kirk Denz that he (Attorney Nakon) never prepared any, finalized version of DCCR's for the WLCCA, for former-President Robert Faber, for former-President Kenneth Calvert, or for any WLCCA President, Officer or Member for that matter, as purported on the face of the DCCR's. Attorney Nakon claims he had always stated to WLCCA President Robert Faber that any covenants generated and circulated "*must first have the consent of each and every lake bottom owner, incorporation of that consent into each property deed, and the deeds properly recorded*", none of which were apparently done for the WLCCA DCCR's. Attorney Nakon opined they are invalid without those 3 requirements completed.
- Testimony of Petitioner Kirk Denz

41. **On September 1, 2011** Attorney Richard Nakon opines in writing to WLCCA President Dave Bond of 34462 Converse Lane, Ingleside IL 60041 and Vice President Steve Pearson of 34420 Converse Lane, Ingleside, IL 60041 that the DCCR's- including his name stated on it as the "preparer"- have been falsified calling for a "CEASE AND DESIST" of his name being disseminated on the document. Attorney Nakon opines "*....the fact that no (lake property) owner has ever signed the initial draft Declaration. In order for the Declaration to have had any validity or effect, the*

Declaration would have had to have been signed by all the owners of Wooster Lake and/or any other persons who had lake rights or access to Wooster Lake by previously recorded documents.

Please see Attorney Nakon's opinion letter dated 9/1/2011.

42. **On September 14, 2011**, WLCCA President Dave Bond again claims in writing the DCCR's are recorded but are fraudulent and additionally claims the distribution of this information is widespread and beyond his control.

Please see email from Dave Bond to Attorney Richard Nakon, dated Sep. 14, 2011.

43. The WLCCA DCCR's dated July 1, 1999 on its face are stated by the Board-approved Minutes to be retyped by Kenneth Calvert, then-President of the WLCCA and these DCCR's have been widely distributed around Wooster Lake thereafter by Kenneth Calvert resulting in so much bullying and dangerous behavior on the lake. It is therefore important to highlight the Lake County Sheriff's release of Kenneth Calvert while he was still an active Member of WLCCA.

Please see the Lake County Sheriff's Office's Press Release of Kenneth Calvert, dated November 13, 2003

44. **On May 19, 2005** WLCCA Director Thaddeus Kochanny admitted in a May 19, 2005 email he believed of the invalidity of the DCCRs, writing:

"...the document has no legal standing.Mr. Nakon said that under present Illinois law every lake bottom owner must agree to adopt covenants before they are recorded with the Secretary of State. We know this was never done....I hate to write this, but Kirk Denz(Petitioner) has been correct all along."

Please see Thaddeus Kochanny's 5/19/2005 email to Lake County Commissioner Bonnie Thomson Carter and Tanneron Bay Association Officer Penny Cummings

Thaddeus Kochanny was a Director of the WLCCA, a proponent of the no-wake ordinance, and opponent of clarification HB3441, including attending a state legislative hearing in person and ultimately failed to derail HB3441 with his incorrect and erroneous statements to the legislative Committee. The Committee Chair had to threaten him to be silent or be removed from the Hearing on the bill.

Please see Thaddeus Kochanny's letter he submitted in person to the House of Representatives Local Government Committee in a failed attempt to misrepresent and derail clarification bill HB3441, letter dated 3/14/2007.

45. Police reports indicate, the WLCCA Officers/Members Sue and Robert Rosenlof ultimately believed in the invalidity of the DCCRs, stating in emails and police reports to the Lake County Sheriff's

Department they believe of the invalidity, yet they somehow convinced police officers to threaten enforcement of the DCCRs.

Please see Lake County Sheriff's police reports.

Please see \$1,000 In-Kind Contribution from Robert Rosenlog(f) to Bonnie Thomson Carter Committee 12/31/2007 during the election period where Lake County Board Member Bonnie Thomson Carter ran against challenger Kirk Denz

46. Current and former WLCCA Officers and Members and others in support of the WLCCA's invalid special regulations continue in recent years writing many letters to the editor printed with misleading and slanderous comments of those who recreate on Wooster Lake, including the Petitioners.

Please see multiple letters to the editor over the years.

47. As received by the Village of Round Lake in its survey conducted beginning in **January 2011**, several residents, some claiming to be lake bottom owners, continue to this day to purport the validity of the WLCCA DCCR's and the regulations purported of the lake. Some of these same survey submitters are by their own words hostile and slanderous towards recreationists, including the Petitioners, of private Wooster Lake.

Please see copies of residents' surveys collected by Village of Round Lake officials.

48. **On January 16, 2011**, all Wooster Lake owners residing in John B. Converse Subdivision sign a "Cease and Desist" letter demanding neighboring associations to stop misrepresenting their private lake properties, also denouncing the vigil ante behavior exhibited on the lake in the name of such restrictions.

Please see CEASE AND DESIST letter dated January 16, 2011.

49. **On April 2, 2012**, "*Last President of WLCCA*" Dave Bond submits a letter to Lake County Recorder of Deeds Mary Ellen Vanderventer admitting "*several false statements*" and "*false information*" recorded in #5094179, calling the WLCCA Declaration portion of it a "*blatant lie*" and "*invalid, illegal, or non existent data having been recorded.*"

Please see WLCCA President Dave Bond's letter dated April 2, 2012

50. **On July 6, 2013**, the Lake County Sheriff's Department dispatched 2 watercraft to private Wooster Lake as again a boater on Wooster Lake called to complain of a jet skier pulling tubers on Wooster Lake. Per Lake County Sheriff's Marine Unit Lieutenant Louis Kent, no other complaint was provided by the caller other than the existence of a jet skier pulling tubers on Wooster.

No report was filed by the Lake County Sheriff, per Lake County Marine Unit Lieutenant Louis Kent, as neither Sheriff's watercraft was deployed from the trailer on to the lake.

51. Since media exposure (newspaper articles, letters to the editor, web articles) has widely covered the extended conflict over Wooster Lake's said and documented restrictions, lake properties have plummeted in value and several have been unable to sell at even a fraction of what they had been previously purchased.

05-23-401-006 (34420 N. Converse Lane, Ingleside, IL 60041)
05-23-401-007 (34374 N. Converse Lane, Ingleside, IL 60041)
05-23-401-008 (34374 N. Converse Lane, Ingleside, IL 60041)
05-23-401-010 (26230 W. Sunnybrook Lane, Ingleside, IL 60041)
05-23-205-002 (34520 N. Hickory Court, Ingleside, IL 60041)

are just 5 examples of lake properties (all listed as Declarants in "Exhibit A" of the WLCCA DCCR's within #5094179) which have been for sale in the last few years but unable to sell. All are also within a very close proximity of Petitioners' lake property 05-23-401-005.

52. In September 2013 licensed Appraisers appraised some Wooster Lake properties specifically citing the recorded restrictions of the properties and subsequent conflict over the usage of Wooster Lake, stating in the appraisals:

- *"It is located on the water, Wooster Lake. The area is presently entangled in a battle over Lake usage"*
- *"There are presently restrictions on water use, limiting activity that is being questioned by the Owners."*
- *"The water restrictions and condition have a negative impact on value."*
- *"The limited water usage has a negative impact on value."*

Please see September 2013, written appraisal of Wooster Lake properties.

53. In 2005, Lakes Management of Lake County Health Department published in the "2005 Summary Report of Wooster Lake" the following statement":

"Recent studies have shown that a boat traveling at "near plane" speed actually displaces more water and potentially resuspend lake bottom sediment at a greater volume than boats traveling at either idle speeds or speeds high enough to allow the boat to plane on the water's surface. Enforcement would be the most difficult aspect of this option.....As with any rule or regulation, it is only as good as the ability to enforce it. A significant factor is determining who has jurisdiction to enforce any regulations. Any law enforcement officer can enforce boating regulations or ordinances enacted by the State of Illinois or local government entities. Verbal or "gentlemen's" agreements that are more stringent than state laws are not legally binding. Similarly, a law enforcement officer may not enforce regulations adopted by a lake management association."

By the County of Lake's own document, restrictions of Wooster Lake - though recorded at Lake Co Recorder of Deeds- can not be "good" if the restrictions can not be legally enforced.

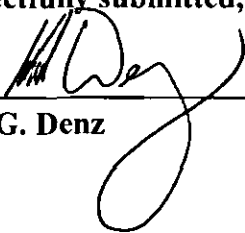
Please see 2005 Summary Report of Wooster Lake, pages 66-67.

SUMMARY

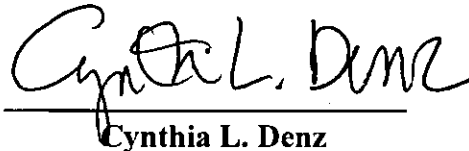
The multi-year history of WLCCA DCCR restrictions recorded of private Wooster Lake properties and subsequent municipal ordinances based on and reinforcing those WLCCA DCCRs have slandered Wooster Lake properties and instigated conflict and attacks against those attempting active recreation on the lake under Illinois state law. Despite allegations in the media from Lake County Board Commissioner Bonnie Thomson Carter, there has in actuality never been any kind of agreement amongst all the Wooster Lake owners regarding restrictions. Restrictions of the lake in the WLCCA DCCRs are nonetheless recorded at the Lake County Recorder of Deeds and are also widely advertised on the internet even as of today. The restrictions have been "left intact" for people to continue to assume and believe as valid, including hostile people resorting to vigil ante behavior, acting on behalf of the recorded WLCCA DCCR restrictions of the lake properties.

Petitioners state that the WLCCA, its Officers & Members acted willfully, knowingly and with malice and forethought, to slander the names and/or respective properties (addresses and Property Identification Numbers) of Wooster Lake – including that now owned by the Petitioners- and drafted and had recorded lake property owners listed as "Declarants" of the restrictions, and failed to stop the dissemination of the lake property restrictions contained in the DCCRs, and through these restrictions intended to cause conflict and intimidation upon anyone who actively recreates on private Wooster Lake, harming and endangering the Petitioners and their minor son and their guests, infringing upon their property rights under Illinois state law and devaluing their valuable lake property.

Respectfully submitted,



Kirk G. Denz



Cynthia L. Denz