

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
McDONOUGH COUNTY, ILLINOIS

ROGER L. JACKSON and,)
JANET M. JACKSON,)
Plaintiff,)
vs.)
GILLES KOUASSI and,)
MARIE-CLAIRE KOISSI-KOUASSI,)
Defendant.)

14-CH-19

FILED

AUG 22 2014

KIM D. WILSON
CIRCUIT CLERK

COMPLAINT

COUNT I
Quiet Title

Plaintiffs, Roger L. Jackson and Janet M. Jackson, by and through their attorneys, March, McMillan, DeJoode & Duvall, P.C., as their complaint against Defendants, state that:

1. The Plaintiffs are the owners of Lot 37, Heintz Addition to the City of Macomb, situated in the County of McDonough, in the State of Illinois, with an address of 131 James Drive, Macomb, Illinois 61455.
2. Plaintiffs became the fee simple owners of the 131 James Drive property on or about August 10, 1999. A copy of the deed whereby Plaintiffs acquired title is attached hereto and made part hereof as Exhibit 1.
3. Since that date, Plaintiffs have resided in said property as their home.
4. Defendants, Gilles Kouassi and Marie-Claire Koissi-Kouassi, purchased the property immediately adjacent to 131 James Drive, to the east, on or about June 3, 2011. A copy of the deed whereby Defendants acquired title is attached hereto and made a part hereof as Exhibit 2.
5. The property owned by Defendants is Lot 38, Heintz Addition to the City of Macomb, situated in the County of McDonough, State of Illinois and is known as 137 James Drive, Macomb, Illinois 61455.
6. Since before 1999, the boundary between Plaintiffs' property and Defendants' property was known and understood to be the east line of the shaded portion of a plat of survey prepared by Jones Corporation on October 10, 2011. A copy of the plat of survey is attached hereto and made part hereof as Exhibit 3.

7. In or about August, 2011, Defendants constructed a fence upon between the two properties of Macomb, situated in the County of McDonough, in the State of Illinois, as shown on the plat of survey.
8. Plaintiffs and the prior owners of 131 James Drive have clearly and openly used all of the surveyed tract, including the shaded portion, as their sole and exclusive property, for a period in excess of fifteen years, including that portion that is now enclosed by Defendants' fence.
9. Plaintiffs and prior owners of 131 James Drive have continuously mowed, maintained and utilized the shaded portion in a manner that was adverse to the title of the owners of 137 James Drive, said use open, notorious, exclusive and under claim of title.
10. As a result, Plaintiffs have acquired fee simple title to that part of lot 37 shown in the shaded tract as shown on Exhibit 3.
11. The Defendants', in order to construct the fence caused severe damage to a magnolia tree on Plaintiffs' property and encroached upon the Plaintiff's property.
12. The said encroachment damages Plaintiff's property, reduces its market value, and is a detriment and annoyance to the Plaintiffs.
13. That on or about September 21, 2011, Defendants were approached about removing the fence and Defendants refused to make any changes. In January 2012, the Defendants again moved the fence further west to where it is now located.
14. The fence is standing and is encroaching on Plaintiffs property.
15. The Defendants' conduct has been willful.
16. That the damage and harm done is irreparable.

WHEREFORE, Plaintiffs pray for an order directing the Defendants to remove said fence, which encroaches upon the Plaintiff's property, to quiet title to the disputed portion of real estate, for an order requiring Defendants to pay damages to Plaintiffs, and for all other relief the court deems just and equitable.

COUNT II
Trespass

Plaintiffs, Roger L. Jackson and Janet M. Jackson, by and through their attorneys, March, McMillan, DeJoode & Duvall, P.C., as their complaint against Defendants, state that:

- 1-16. Reallege paragraphs 1-16 of Count I as paragraph 1-16 of Count II.
17. Defendants have entered upon Plaintiffs' property without permission, causing damage to their lawn and trees without right or justification.
18. Defendant Gilles Kouassi has entered upon Plaintiffs property with a machete and has acted in a threatening manner.
19. As the result of the trespass by Defendants, Plaintiffs have suffered property damage, loss of use of their property, fear and distress.

WHEREFORE, Plaintiffs pray for an order directing the Defendants to remove said fence, which encroaches upon the Plaintiff's property, for an order requiring Defendants to pay damages to Plaintiffs, and for all other relief the court deems just and equitable.

COUNT III Ejectment

- 1-19. Plaintiffs reallege paragraphs 1-19 of Count II as paragraphs 1-19 of Count III.
20. It is appropriate for the Court to enter an order of ejectment, prohibiting Defendants from remaining or entering upon Plaintiffs' property.

WHEREFORE, Plaintiffs pray for an order directing the Defendants to remove said fence which encroaches upon the Plaintiff's property, together with damages and costs, and for all other relief the court deems necessary.

COUNT IV Nuisance

- 1-20. Plaintiffs reallege paragraphs 1-20 of Count III as paragraphs 1-20 of Count IV.
21. In addition, the fence was constructed in such a manner as to interfere with the quiet enjoyment of Plaintiffs of their property.
22. Said fence is of such size and material that it reflects intense sunlight back into Plaintiff's property, causing excessive heat and damage to Plaintiffs' lawn and landscaping.
23. The location, size and material of the fence prohibits Plaintiffs from maintaining a tree in their lawn, required Plaintiffs to relocate a down spout and the extension to that

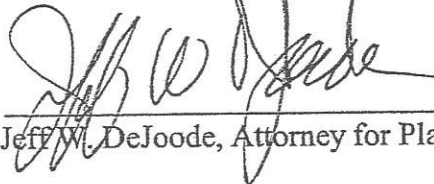
down spout and to move landscaping bricks in order to mow near the fence on the Plaintiffs' property as well as cleaning up and filling holes where the fence posts were set.

24. The Defendants negligently constructed their fence in an unreasonable manner which has unreasonably substantially invaded, limited and interfered with the use and enjoyment by Plaintiffs of their home.
25. It is appropriate for the trial court to enjoin Defendants and direct removal of the fence where it intrudes upon or abuts Plaintiffs' property.

WHEREFORE, Plaintiffs pray for an order directing the Defendants to remove said fence which encroaches upon the Plaintiff's property, together with damages and costs, and for all other relief the court deems just and necessary.

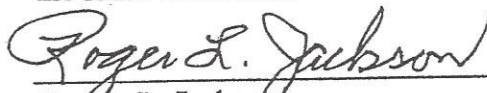
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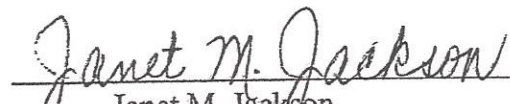
Roger L. Jackson and Janet M. Jackson,

By: 
Jeff W. DeJoode, Attorney for Plaintiffs

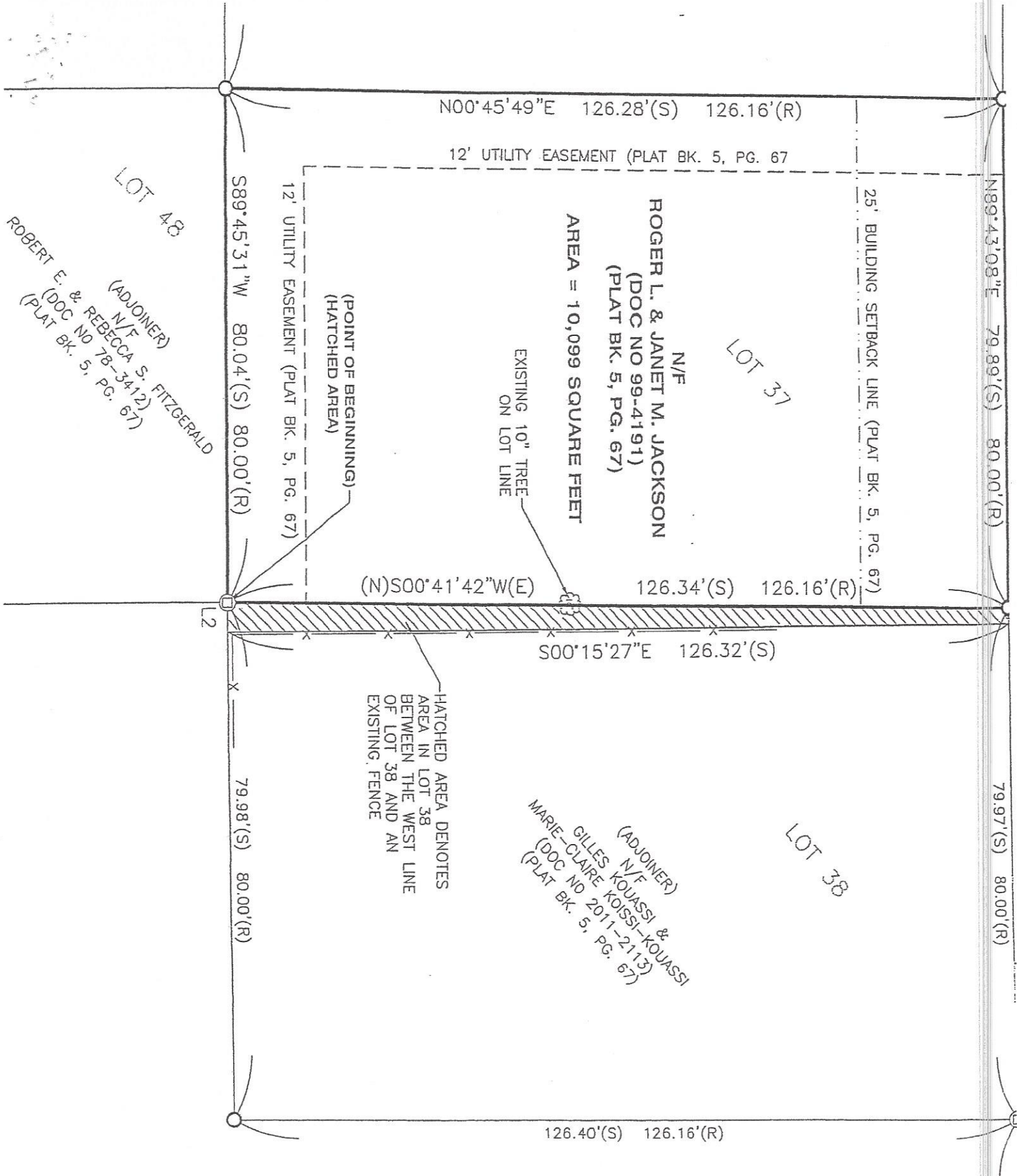
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to the matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.


Roger L. Jackson


Janet M. Jackson

Jeff W. DeJoode
March, McMillan, DeJoode & Duvall, P.C.
402 E. Jackson St.
Macomb, IL 61455
Telephone: (309) 837-2904



N00°45'49"E 126.28'(S) 126.16'(R)

12' UTILITY EASEMENT (PLAT BK. 5, PG. 67)

25' BUILDING SETBACK LINE (PLAT BK. 5, PG. 67)

N89°43'08"E 79.89'(S) 80.00'(R)

LOT 48

ROBERT E. & REBECCA S. FITZGERALD
 (ADJOINER)
 N/F
 (DOC NO 78-3412)
 (PLAT BK. 5, PG. 67)

S89°45'31"W 80.04'(S) 80.00'(R)

12' UTILITY EASEMENT (PLAT BK. 5, PG. 67)

(POINT OF BEGINNING)
 (HATCHED AREA)

ROGER L. & JANET M. JACKSON
 (ADJOINER)
 N/F
 (DOC NO 99-4191)
 (PLAT BK. 5, PG. 67)
 AREA = 10,099 SQUARE FEET

EXISTING 10" TREE
 ON LOT LINE

LOT 37

(N)S00°41'42"W(E)

126.34'(S) 126.16'(R)

S00°15'27"E 126.32'(S)

79.97'(S) 80.00'(R)

HATCHED AREA DENOTES
 AREA IN LOT 38
 BETWEEN THE WEST LINE
 OF LOT 38 AND AN
 EXISTING FENCE

79.98'(S) 80.00'(R)

MARIE-CLAIRE KOUASSI & GILLES KOUASSI
 (ADJOINER)
 N/F
 (DOC NO 2011-2113)
 (PLAT BK. 5, PG. 67)

LOT 38

126.40'(S) 126.16'(R)