

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

DUANE E. COZART, ET AL,

Plaintiffs

vs.

GREEN TRAILS MANAGEMENT CORPORATION, and
IPHERIS ISRAEL CHEVRA KADISHA CONGREGATION, ET AL

Defendants.

CAUSE NUMBER: 322,354

DIVISION NO.: 2

AFFIDAVIT

We, the undersigned, being of lawful age, and being first duly sworn, upon our oaths, state:

1. That each of the undersigned is a duly elected member of the Board of Park Trustees of the Common Lands of the Green Trails Subdivision, that the Park Trustees were a party in the captioned matter and have the legal capacity to bring this matter before the court.

2. That on the 22nd day of May, 1974, a perpetual injunctional order was issued out of this court by the Honorable Judge Harry Stussie in said action enforcing and prohibiting defendant, Ipheris Israel Chevra Kadisha Congregation from use of a former easement and right-of-way across the Common Lands of the Village of Green Trails as follows:

3. That the defendants and each of them, their members, officers, guests, agents and employees, and all persons claiming under them or acting under the direction or authority of them, or either of them, be and they are hereby perpetually enjoined and restrained from using the Common Lands of the Village of Green Trails as designated on the plat of Trails West Section of the Village of Green Trails recorded in Plat Book 114 pages 18 through 21 in the Office of

the Recorder of Deeds of St. Louis County, Missouri or for utility easements for sewers, gas lines, water lines, electric power lines or telephone lines.

4. That defendant Ipheris Israel Chevra Kadisha Congregation is hereby ordered and mandatorily enjoined to remove all improvements, including, but not limited to roads, curbs, sidewalks, sewer lines, gas lines, water lines, electric power lines or telephone lines constructed and installed by it or under its direction or authority from the Common Lands of the Village of Green Trails as designated on the plat of the Trails West Section of the Village of Green Trails recorded in Plat Book 114 Pages 18 through 21 in the Office of the Recorder of Deeds of St. Louis County, Missouri and from the area designated "B" on the Easement Plat recorded in Plat Book 131 Page 18 in the same office, and defendant is further ordered and mandatorily enjoined to restore the said common lands to the condition and contour they were in prior to the grading and construction by said defendant as shown on the photographic exhibits of the area prior to construction admitted in evidence in this cause and to plant, seed and land scape said common lands to the said prior condition and to install a sidewalk, paving and curbing along Ladue Road to its prior condition.

3. That, notwithstanding said order, the defendant, Ipheris Israel Chevra Kadisha Congregation, its members, officers, guests, agents and employees and persons believed to be acting under them have continued unabated from the issuance of the injunction to this date to use the Common Lands in all respects as prior to the said order by way of driving, walking and generally exercising dominion over said Common Lands.

4. That further, to the best information, knowledge and belief of these affiants, the defendant has taken no steps to comply with Paragraph numbered 4 of said injunction order concerning removal of all improvements, roads, curbs, sidewalks, etc., and that in fact at the date of this affidavit said improvements, roadway, curbs, side-

walks, etc., remain intact and in use and that the lands have not been restored to their original condition.

[Handwritten Signature]

CHAIRMAN - BOARD OF PARK TRUSTEES OF THE COMMON LANDS OF GREEN TRAILS SUBDIVISION

[Handwritten Signature]

MEMBER

[Handwritten Signature]

MEMBER

[Handwritten Signature]

MEMBER

[Handwritten Signature]

MEMBER

[Handwritten Signature]

MEMBER

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me this 12th day of May,

1975.

[Handwritten Signature]

NOTARY PUBLIC

My Commission Expires:

7/19/78