

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

John Osthus, Mike Page, Richard Duff,
Mary Fitzpatrick, Directors-Elect, Individually and as/on behalf
of Countrylane Woods II Homeowners Association, A Missouri
Non-Profit Corporation,

Plaintiffs,

Cause No. 06-CC-3542

v.

Countrylane Woods II Homeowners Association, A Missouri Non-Profit Corporation, in
so far as the Corporation is required as a nominal party to address the conduct of the
foregoing individual defendants who are sued both individually, and in their
representative capacity as Directors and/or Trustees of Countrylane Woods II
Homeowners Association, and Eric Ruegg, Carol Weber, Michael Ritchie, Theodore
Sundhausen, and Cristina Finnegan,

Jury Trial Demanded

Defendants.

Motion to Intervene

Come Now Fran Levy, Deneal Schilmeister, John Hamil, Alan Ross, John
Boyland, Jerry Kane, Frances Basler, Steve Buschman, Henry Thill, Camile Demeter,
Dorothy Callier, and Miles Whitener, by and through their attorney, John J. Pawloski,
and for their Motion to Intervene state to the Court as follows:

1. Plaintiffs have filed suit against Defendants for *ultra vires* acts in
contravention of corporate authority, and for their removal as directors.
2. Movants desire to intervene in this cause as they have claims of a similar
nature, seeking similar legal relief to that sought herein, as well as involving
many overlapping facts and legal principles.
3. Specifically, movants seek to intervene in this cause as they have been
subjected to unlawful conduct by Defendants who have unlawfully raised the
assessment of the Association, and that this assessment is based upon a


purported revised indenture which was implemented following the lawful removal of Defendants as Directors and Trustees of the Association.

4. Movants state that their intervention in this cause will not delay the resolution of this matter as the claims and issues are identical or sufficiently similar, and that no party will be prejudiced by the intervention, and judicial economy can best be served by permitting intervention, rather than the filing of a separate lawsuit.

WHEREFORE, Plaintiffs request that this Court permit Movants to intervene in this matter, and for such other and further relief as the Court deems necessary and proper under the circumstances.

Respectfully Submitted,

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Certificate of Service

The undersigned does hereby certify that a true and correct copy of the foregoing was faxed and mailed via U.S. Mail, postage pre-paid this 19th day of January, 2007 to the following counsel of record:

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