

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**ANCHOR'S POINT CONDOMINIUM )  
OWNER'S ASSOCIATION, INC., )**

**Plaintiff, )**

**v. )**

**Case No. WC-2020-0048**

**TRR MANAGEMENT, LLC; FRANK )  
J. STEED, JR., D/B/A STEED )  
COMMUNITIES; JM LAND HOLDINGS, )  
LLC; TRR TIME SHARE, LLC; )  
CARROLL JAMES CHRISTIANSEN; )  
KIMBERLING INN, INC.; and )  
KIMBERLING PROPERTIES, INC. )**

**Defendants. )**

**ANSWER TO COMPLAINT**

COMES NOW Defendants, TRR Management, LLC; Frank J. Steed, Jr., d/b/a Steed Communities; JM Land Holdings, LLC; TRR Time Share, LLC, by and through their counsel of record, and for their Response to Anchor's Point Condominium Association, Inc.'s Complaint, admit, deny and aver as follows:

1. Respondents are without sufficient knowledge or information to admit or deny the allegations contained within paragraph No. 1 of the Complaint.

2. Respondents are without sufficient knowledge or information to admit or deny the allegations contained within paragraph No. 2 of the Complaint.

3. As to allegations contained within paragraph No. 3 (a) (b) (c) and (d) Respondents admit that they can be contacted through the undersigned counsel. As for the allegations set forth in No. 3 (e) (f) and (g) Respondents are without sufficient knowledge or information to admit or deny the allegations contained therein and therefore deny same.

4. Respondents are without sufficient knowledge or information to admit or deny the allegations contained within paragraph No. 4 of the Complaint, and therefore deny same.

5. Respondents are without sufficient knowledge or information to admit or deny the allegations contained within paragraph No. 5 of the Complaint, and therefore deny same.

6. Respondents deny the allegations contained within paragraph No. 6 of the Complaint.

7. Respondents aver that they are without sufficient knowledge or information to know what documents or records were relied upon in preparing the Complaint and therefore deny same. Respondents admit that certain Respondents own and operate the Water System (WS).

8. Respondents deny that the Steed Respondents are operating a for-profit water company, and therefore deny they are required to be registered or authorized under the Commission.

9. Respondents aver they are without sufficient information to admit or deny the allegations contained within paragraph No. 9 of the Complaint, and therefore deny same.

10. Respondents aver they are without sufficient knowledge or information to admit or deny the allegations contained within paragraph No. 10 of the Complaint, and therefore deny same.

11. Respondents admit that the Steed Respondents purchased certain assets from the Christiansen Respondents, and deny any remaining allegations contained within paragraph No. 11 of the Complaint.

12. Respondents admit that Anchor's Point contains 67 units and aver that they are without sufficient knowledge or information to admit or deny the remaining allegations contained within paragraph No.12 of the Complaint, and therefore deny same.

13. Respondents admit that they sent bills for certain services provided to Complainant, but deny that Complainant paid each of those invoices in full. Respondents specifically deny that they provided any sewer services to Complainant.

14. Respondents deny the allegations contained within paragraph No. 14 of the Complaint.

15. Respondents deny the allegations contained within paragraph No. 15 of the Complaint.

16. Respondents deny the allegations contained within paragraph No. 16 of the Complaint.

17. Respondents state that the allegations contained within paragraph No. 17 of the Complaint are simply a recitation of a Missouri statute, to which no response is required by Respondents.

18. Respondents state that the allegations contained within paragraph No. 18 of the Complaint are simply a recitation of a Missouri statute, to which no response is required by Respondents.

19. Respondents deny the allegations contained within paragraph No. 19 of the Complaint.

20. Respondents deny that they were required to obtain a Certificate of Convenience and Necessity from the Commission and deny the remaining allegations contained within paragraph No. 20 of the Complaint.

21. Respondents deny the allegations contained within paragraph No. 21 of the Complaint.

22. Respondents admit that Respondents and Complainant have been in contact at various times during the Water System and deny any remaining allegations contained within paragraph No. 22 of the Complaint.

**WHEREFORE**, having fully answered the Complaint, Respondents request the Commission dismiss same for lack of jurisdiction, and for such other and further relief as is just under the circumstances.

**AFFIRMATIVE DEFENSES**

1. The Commission lacks jurisdiction over Respondents and the subject matter as Complainant has previously filed a lawsuit in the Circuit Court of Stone County, Missouri, covering the exact same issues as set forth in the Complaint, Stone County Case No. 19SN-CC00042.

2. The Complaint should be dismissed because Complainant previously agreed to a settlement with the Steed Respondents which resolved all issues between the parties.

3. The Complaint should be dismissed because the Steed Respondents are not operating a for-profit water system.

4. The Complaint should be dismissed because the Complainant has other available water systems or well options that Complainant refuses to take advantage of, and the Complainant therefore does not need to draw water from the Steed Respondents' well system.

5. Complainant's claims are barred by the doctrines of laches and waiver.


6. Complainant's claims are barred in whole or in part by the statute of frauds.

7. Complainant has failed to mitigate or avoid its damages.

8. Complainant's claims are barred by the doctrine of unclean hands.

**WHEREFORE**, Respondents requests this Court dismiss Complainant's Complaint and for such other and further relief as the Court deems just and proper.

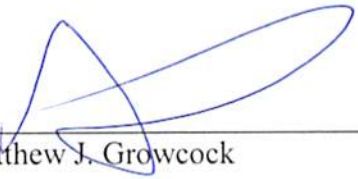
LOWTHER JOHNSON  
Attorneys at Law, LLC

By:   
Matthew J. Growcock  
Missouri Bar No. 56985  
901 St. Louis Street, 20<sup>th</sup> Floor  
Springfield, MO 65806  
Telephone: 417-866-7777  
Fax: 417-866-1752  
[mgrowcock@lowtherjohnson.com](mailto:mgrowcock@lowtherjohnson.com)  
*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served by electronic notice and/or United States Mail, First Class postage prepaid, this 24<sup>th</sup> day of September, 2019, to:

J. Michael Bridges  
Husch Blackwell  
901 St. Louis, 18<sup>th</sup> Floor  
Springfield, MO 65806

  
Matthew J. Growcock #56985