

IN THE CIRCUIT COURT OF ADAIR COUNTY MISSOURI
ASSOCIATE DIVISION

Everett LaCost & Beverly LaCost)
Husband & Wife)
d/b/a Lakeroad Village Park)
Plaintiff,)

Vs.) Case No.11AR-CV00336

Jimmie E. Small,)
Defendant)

**IN THE CIRCUIT COURT OF ADAIR COUNTY MISSOURI
ASSOCIATE DIVISION**

Everett LaCost & Beverly LaCost)	
Husband & Wife)	
d/b/a Lakeroad Village Park)	
Plaintiff,)	
)	
Vs.)	Case No.11AR-CV00336
)	
Jimmie E. Small,)	
Defendant)	

**MOTION
SPECIAL APPEARANCE**

COMES NOW the Defendant ADA pro se Small, and for his [special appearance] challenge to personam jurisdiction, state unto the Honorable court the following particulars.

1. This Honorable Court lacks *personal jurisdiction* over Defendant. Additionally, Plaintiff LaCost Park Management has clearly failed to attach evidence of any *contract* related to the Petition's alleged agreement, Lease, time, place, location, terms or conditions of any alleged lease contract, on which this court could grant requested relief.
2. 42 U.S.C. sect. 12101, prohibit Plaintiff LaCost, from evoking State Judicial authority, to commission harassment, or retaliate

against Defendant ADA Small, after Small filed claims of discrimination against alleged Lakeroad Village Park management, now subject to removal to federal judicial jurisdiction No. 11AR-CV00336.

3. The State of Missouri, Human Rights Commission; Federal Housing Urban Development; Schuyler County and Adair County judicial systems, have failed and continue to fail to protect the undersigned ADA Defendant from harassment, pretext, discrimination. Retaliation after ADA Defendant Small filed written complaints of discrimination against Plaintiff Lakeroad Village Park in early November 2010 resulting in the constitutionally defective November 30, 2010 notice action served through the United States mail service, in violation of federal law, 18 U.S.C.S. sect 1341 & 1342. Federal law 42 U.S.C.S.
4. The Adair County Sheriff's office participation in service of process cause 11AR-CV00336 is sufficient written/documentation of state action for purpose of Federal transfer, and federal cause of action, after Small and neighbor B. J. Wassam exercised their federal right to file timely complaints, and presented testimonial statements against Plaintiff LaCost Lakeroad Village Tr. Park in early November 2010 or about that time.

STATE ACTION

SUGGESTION IN SUPPORT OF MOTION

State action, for purposes of the equal protection clause of the Fourteenth Amendment may emanate from rulings of Administrative and Regulatory agencies as well as from legislative or judicial action, *Moose Lodge No. 107 v. Irvis*, (1972) 407 U.S. 163, 31 L. Ed 2d 627, 92 S. Ct. 1965.

A state shall not deprive a citizen of life, Liberty, or Property without due process of law. See *Hernandez v. Texas*, 347 U.S. 475 (1954).

5. Plaintiffs LaCost statement of facts presented to Missouri Human Right Investigator, Jefferson City, Missouri, as to Notice To Vacate LOT # 23, appear materially different from Plaintiff LaCost Petition statement of facts as to service of [11/30/2010] Landlord NOTICE particulars. Material inconsistent facts judicially cognizable as well as present inconsistent factual positions.
6. That Lack of personal jurisdiction issues now contested [11ARCV00336] are presently pending before the Schuyler County Court system, Case No 3CR48141. Specifically dwelling resident issues, LOT # 33 vs. LOT# 23 warrant alleged facts, as of 02/04/2003 illegal search warrant issued by Hon. Judge Kristie Swaim.

7. The Probable Cause Statement proffered before Judge Swaim signed by state actor Shannon Smith, February 04, 2003 in context to Trespass in the Second Degree, are materially different than material facts now filed in Case 11ARCV00336. Testimonial statements of alleged past events, 01/18/2003 time period, carrying 6 month statute of limitations. R.S. Mo. 569.150. *Davis v. Washington*, (2006)547 U.S. 813, 126 S. Ct. 2266, 165 L Ed 2d 224, 2006 Lexis
8. Plaintiff's have no legal standing to maintain the present action against the person Defendant [ADA Small] in absence of LaCost compliance with state NOTICE to Vacate provisions for persons dwelling in mobile home residence, Adair Co. Missouri, same exact Adair County Jurisdiction given rise to the illegal search warrant issued by the exact same Hon. Judge Kristie Swaim and continuing in Schuyler Co. Mo. Case No. 3CR48141 CONSOLIDATED.
9. The Missouri Human Rights Commission fact finding investigator concluded that Plaintiff LaCost, Lakeroad Village Park had breached its duty to provide legally sufficient NOTICE to Vacate Lot # 23 on which personal jurisdiction over ADA defendant Small is predicated.

10. The November 30, 2010 DEFICIENT NOTICE TO VACATE action by Plaintiffs knowingly injected its VACATE deadline of January 01, 2010.

The 01/01/2010 VACATE deadline, makes no practical or legal sense and should be stricken as nothing but harassment after Defendant Small and B.J. Wassam elected to file complaints of discrimination against LaCost Management, Lakeroad Village Park, 23067 Potter Trail, LOT # 23, [MCHR No. P-09/10-03284] ALSO [Federal HUD discrimination complaints]

11. The state of Missouri judicial system, has failed to state a compelling state interest in accepting inconsistent statements for purposes of acquiring personal jurisdiction over ADA Defendant, in clear violation of Federal due process and equal protection rights. [state action for service of summons and command to appear on May 16, 2011].[Also on or about 02/19/2003 certified mail out-of-state by Shannon Smith contradicting the Probable Cause testimonial statements given to Hon. Judge Swaim. U.S.C.A. Const. Amend 4. See *Bivens v. Six Unknown Fed. Agents of Narcotics*. To state a due process claim ADA complainant Small must allege deprivation of life, liberty or property without due process of law. See *Board of Regents of state Colleges v. Roth*, 308 U.S. 564 (1972); 369 U.S. 186,217 (1962); *Reno vs. Flores*, 507 U.S. 292, 302, 113 S. Ct. 1439, 123 L Ed 2d

1. The January 01, 2010 deficient NOTICE TO VACATE LOT # 23 materially and factually contradict the Probable Cause testimonial statement given to Hon. Judge Kristie Swaim on or about February 04, 2003, and continuing as a wrongful policy, practice, usage, trade or custom while under the jurisdiction of the state of Missouri judicial system, powers, authority, duties and responsibilities. See *Moose Lodge No. 107 v. Irvis*, (1972), 407 U.S. 163, 31 L. Ed. 2d 627, 92 S. Ct. 1965; *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978); *Dennis v. Sparks*, 449 U.S. 24, 29 (1980);
12. Plaintiff LaCost realty, its Petition and service of summons acts breached its duty in serving constitutionally defective NOTICE To Vacate Lake Road Village Park by **January 01, 2010** . Constitutionally defective notice dated and served on or about **November 30, 2010** fails to evoke personal jurisdiction over Defendant Small, in judicial proceeding, N0 11AR-CV-00336. See *Mullane v. Central Hanover Bank & Trust Co.* 339 U.S. 306-320. The fundamental requisite of due process of law is the opportunity to be heard. *Grannis v. Ordean* 234 U.S. 385, 58 L. Ed 1363, 1368, 34 S. Ct. 779. Evertt LaCost stated to MHRC investigator that the 60 day statutory NOTICE to Vacate were laws unknown to Lakeroad management on November 30, 2010.

13. Judicial Notice of the 60 day statutory requirement for mobile home residence, to Vacate, is requested.
14. Missouri Rules of Court, Civ. Proc. Rule 55.27 permits a party to challenge personam jurisdiction by special appearance.
15. Defendant's ADA pro se motion is intended to accomplish the purpose of Rule 55.27 on a fair and impartial basis to all concerned, . . . short of removal to U.S. district court jurisdiction. T-28 U.S.C. sect 1441.

WHEREFORE, Defendant ADA pro se prays the Hon. Court's order dismissing the Defendant's person from the above referenced action, based on the above and foregoing facts, cost taxed against plaintiff, and for other relief the Hon. Court deem appropriate in this premise, plus 30 days time to file appropriate counterclaims arising from common nucleus of operative facts presented and not disputed by Plaintiffs.

Respectfully submitted

JIMMIE E. SMALL
Defendant Pro se ADA
23067 Potter Trail LOT # 23
Kirksville, Missouri 63501
641-208-2317 Cell

PROOF OF SERVICE/PROOF OF MAILING

I certify that on May ____ 2011, I served this special appearance motion challenging the Court's personal jurisdiction over defendant Small. I further certify that said motion and exhibits in support to dismiss, were served; *

TO: BARRY V. CUNDIFF
FRICK & CUNDIFF
2211 E Normal Ave., P.O. Box 7546
Kirksville, Missouri 63501
(660) 665-7785
ATTORNEY FOR PLAINTIFFS

JIMMIE E. SMALL

*Original filed with Clerk of Court, Adair County, Missouri.



IN THE 2ND JUDICIAL CIRCUIT COURT, ADAIR COUNTY, MISSOURI

Judge or Division: KRISTIE JEAN SWAIM	Case Number: 11AR-CV00336
Plaintiff/Petitioner: EVERETT LACOST ET AL	Plaintiff's/Petitioner's Attorney/Address BARRY V. CUNDIFF 2211 E NORMAL AVE P O BOX 7546 KIRKSVILLE, MO 63501-7546
Defendant/Respondent: JIMMIE L SMALL	Address of Property in Question: #23 LAKEROAD VILLAGE TRL PARK, KIRKSVILLE, ADAIR CO, MO
Nature of Suit: AC Rent and Possession	Date, Time and Location of Court Appearance: 16-MAY-2011, 09:00 AM ADAIR DIVISION 2 106 W WASHINGTON KIRKSVILLE, MO 63501

(Date File Stamp)

Summons (Landlord - Tenant Actions)

The State of Missouri to: **JIMMIE L SMALL**
Alias:
23 LAKEROAD VILLAGE TRL PARK
KIRKSVILLE, MO 63501

COURT SEAL OF



ADAIR COUNTY

You are summoned to appear before this court on the date, time and location stated above, to answer the complaint of the Plaintiff/Petitioner, a copy of which is attached to this summons, and show cause why possession of the property should not be restored to the Plaintiff/Petitioner.

If you fail to appear and answer at the time and place stated in this summons, judgment by default will be taken against you.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of the scheduled hearing.

4-28-11
Date
Further Information:

Appala K Althoff
Deputy Clerk

Sheriff's or Server's Return

Note to serving officer: Service must be at least four days before the court date on the summons.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the complaint to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the complaint at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

- ☐ Defendant/Respondent cannot be found.
☐ Defendant/Respondent has absconded or vacated his or her usual place of abode in this state.

Printed Name of Officer or Server

Signature of Officer or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

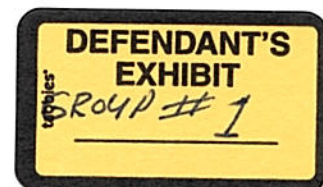
My commission expires: _____ Date

Notary Public

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



FILED

APR 28 2011

LINDA DECKER
CIRCUIT CLERK
ADAIR COUNTY

IN THE CIRCUIT COURT OF ADAIR COUNTY
ASSOCIATE DIVISION

Everett LaCost & Beverly LaCost)
Husband & Wife)
d/b/a Lakeroad Village Park)
Plaintiff,)
vs.)
Jimmie L. Small,)
Defendant)

Case No.: \A8-CV00336

PETITION

Come now Plaintiffs, by and through counsel and for their Petition in unlawful detainer state as follows:

1. Plaintiffs are the owners of real estate located in Adair County, Missouri and known as Lakeroad Village Trailer Park.
2. Defendant is a resident of Adair County, Missouri owning a mobile home located at Lakeroad Village Trailer Park, #23.
3. Defendant has been a tenant of Plaintiffs from month to month at the aforementioned property for an agreed monthly rental of \$100 per month.
4. On or about November 30, 2010, Plaintiff's notified Defendant that his tenancy was terminated and directed him to quit the premises by January 1, 2011.
5. Defendant has willfully and without force, held over after termination of the Defendant's tenancy.
6. Despite having received notice of termination of the tenancy, and a written demand for possession of the premises, Defendant has refused to vacate the premises and surrender and deliver possession to Plaintiffs and has unlawfully and willfully detained the premises to which Plaintiffs have been entitled to possession since January 1, 2011.
7. The reasonable rental value of the premises is \$100 per month. Because of Defendant's unlawful detention as aforesaid, Plaintiffs have suffered and will suffer damages in at least the amount of \$100 per month, from January 1, 2011.
8. Plaintiffs have incurred attorney's fees and costs in connection with this action.

WHEREFORE, Plaintiffs pray for judgment for double the value of the monthly rents due and that may accrue during the pendency of this action; for immediate possession of the property as set forth above; for costs and for such other relief deemed just and proper under the circumstances.

FRICK & CUNDIFF, P.C.

A large, stylized handwritten signature in black ink, appearing to read 'Barry V. Cundiff', is written over a horizontal line.

BARRY V. CUNDIFF #34572
2211 E. Normal Ave., P. O. Box 7546
Kirksville, MO 63501
(660) 665-7785
(660) 665-7786 (FAX)
ATTORNEY FOR PLAINTIFFS

IN THE CIRCUIT COURT OF ADAIR COUNTY
ASSOCIATE DIVISION


Everett LaCost & Beverly LaCost)
Husband & Wife)
d/b/a Lakeroad Village Park)
Plaintiff,)
vs.)
Jimmie L. Small,)
Defendant)

Case No.:

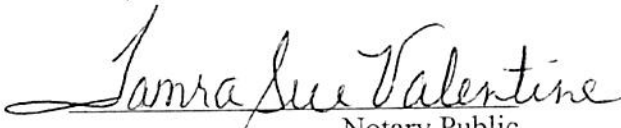
AFFIDAVIT

STATE OF MISSOURI)
COUNTY OF ADAIR) SS.

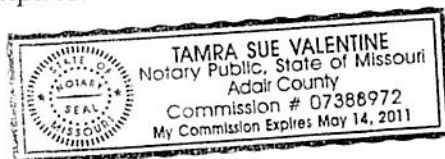
Beverly LaCost, being duly sworn upon her oath, states that she is dully authorized to make this affidavit and that the matters and things mentioned in the petition filed in the above-referenced case is true and correct to the best of her knowledge, information and belief.


Beverly LaCost

Subscribed and sworn to before me this 28th day of March, 2011.


Notary Public

My Commission Expires:



(12)



JEREMIAH W. (JAY) NIXON
GOVERNOR

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS



~~LARRY B. REBMAN~~
~~DEPARTMENT DIRECTOR~~

ALVIN CARL ALVIN CARTER
COMMISSION CHAIRPERSON

ALISA WARREN
EXECUTIVE DIRECTOR

NOTICE THAT A COMPLAINT HAS BEEN FILED

October 12, 2010

Jimmie E. Small
23067 Potter Trail Avenue
Kirkville, MO 63501

RE: Jimmie E. Small vs. LAKE ROAD VILLAGE TRAILER PARK
P-09/10-03284

Dear Jimmie E. Small:

This is to inform you that the enclosed complaint alleging discrimination has been filed with the Missouri Commission on Human Rights (MCHR).

This complaint will be processed by MCHR. You will be contacted by MCHR shortly for any information that may be needed.

Sincerely,

Sheryl E. Rose

Sheryl E. Rose
Regional Manager
St. Louis Office
Sheryl.Rose@dolir.mo.gov

Enclosures

NOTICE OF STATUTE PROHIBITING RETALIATION

It shall be an unlawful practice for any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden under this law or because he or she has filed a complaint, testified, or assisted in any proceeding under Chapter 213, RSMo as amended.



3315 W. TRUMAN BLVD.
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325
FAX: 573-751-2905

Relay Missouri: 1-800-735-2966 (TDD) 1-800-735-2466 (Voice)
www.dolir.mo.gov/hr mchr@dolir.mo.gov



111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238



P.O. Box 1300
OZARK, MO 65721-1300
FAX: 417-485-6024

(13)



1410 GENESSEE, SUITE 260
KANSAS CITY, MO 64102
FAX: 816-889-3582



106 ARTHUR STREET
SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321



Missouri Commission on Human Rights
P.O. Box 1129
Jefferson City, MO 65102-1129



COMPLAINT OF DISCRIMINATION		<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDED		CHARGE NUMBER P- 09/10-3284	
NAME SMALL, JIMMIE E.		TELEPHONE 641-208-2317			
STREET ADDRESS		CITY		STATE	ZIP CODE COUNTY
INDICATE BELOW WHO YOU WISH TO FILE YOUR COMPLAINT AGAINST					
NAME ENTITY: LAKE ROAD VILLAGE TR PARK		TELEPHONE (INCLUDE AREA CODE)			
STREET ADDRESS OFFICE ADDRESS 23067 POTTER TRAIL AVE. KIRKSVILLE		CITY		STATE MO.	ZIP CODE 63501
CHECK APPROPRIATE BOX(ES) (For Office Use Only)					
<input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Color <input checked="" type="checkbox"/> Sex <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> National Origin					
<input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Ancestry <input checked="" type="checkbox"/> Other (Specify) PRIOR EXERCISE OF RIGHTS					
KNOW TO ADA: RCO: DEPT OF CONSERVATION & LAKE ROAD VILLAGE PARK					
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (MONTH, DAY, YEAR) August 21, 2010 FILED AS A CONTINUING COURSE OF					
THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACHE EXTRA SHEET(S)) WRONGFUL POLICIES & PRACTICES, IN CLEAR VIOLATION OF MISSOURI HUMAN RIGHTS COMMISSION STATUTES WHICH PROHIBIT DISCRIMINATION & RETALIATORY ACTS SO AS TO DEPRIVE RESIDENTS & PRIOR COMPLAINING PARTIES OF PUBLIC SERVICES & ACCOMMODATIONS BASED ON AGE, DISABILITY, RACE, COLOR, RELIGION, PRIOR ACT, GENDER - MALE, etc.					
As Remedy, I am seeking an end to the discrimination and humiliation, and anything else the Commission deems just and proper.					
I declare or affirm under penalty of perjury that I have read the foregoing and it is true and correct. X DATE		I swear that I have read the foregoing and that it is true and to the best of my knowledge, information and belief.			
X COMPLAINANT (signature)		SIGNATURE OF COMPLAINANT Jimmie E. Small			
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE August 23, 2010			
		SEAL AND SIGNATURE OF NOTARY PUBLIC Cindy Brush			





JEREMIAH W. (JAY) NIXON
GOVERNOR

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

LAWRENCE G. REBMAN
DEPARTMENT DIRECTOR

ALVIN CARTER
COMMISSION CHAIRPERSON



ALISA WARREN
EXECUTIVE DIRECTOR

November 10, 2010

Jimmie E. Small
23067 Potter Trail, Lot 23
Kirkville, MO 63501

NOTICE OF RIGHT TO SUE

RE: Jimmie E. Small vs. LAKE ROAD VILLAGE TRAILER PARK
P-09/10-03284

Based on the investigation, the Executive Director was unable to conclude that the information of established violations of the Missouri Human Rights Act. Therefore, the Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue the respondent named in your complaint.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent named in the complaint. Such an action may be brought in any circuit court in any county in which unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS NOTICE MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for federal claims.

Respectfully,

Alisa Warren Ph.D.
Executive Director

LAKE ROAD VILLAGE TRAILER
PARK
23067 Potter Trail Avenue
Kirkville, MO 63501

Everett Lacoste
H R
LAKE ROAD VILLAGE TRAILER
PARK
23067 Potter Trail Avenue
Kirkville, MO 63501

Jimmie E. Small
606 West Highway # 2
Milton, IA 52570



3315 W. TRUMAN BLVD.
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325
FAX: 573-751-2905



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106 ARTHUR
SUITE
SIKESTON, MO
FAX: 573-4



JEREMIAH W. (JAY) NIXON
GOVERNOR

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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LAWRENCE G. REBMAN
DEPARTMENT DIRECTOR

ALVIN CARTER
COMMISSION CHAIRPERSON



ALISA WARREN PH.D.
EXECUTIVE DIRECTOR

November 10, 2010

Jimmie E. Small
23067 Potter Trail Ave, Lot 23
Kirksville, MO 63501

NOTICE OF RIGHT TO SUE

RE: Jimmie E. Small vs. MISSOURI DEPT OF CONSERVATION
P-09/10-03285

Based on the investigation, the Executive Director was unable to conclude that the information obtained established violations of the Missouri Human Rights Act. Therefore, the Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue the respondent(s) named in your complaint.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for any federal claims.

Respectfully,

Alisa Warren Ph.D.
Executive Director

MISSOURI DEPT OF
CONSERVATION
P O Box 180
Jefferson City, MO 65109

David McAllister
Deputy Counsel
MISSOURI DEPT OF
CONSERVATION
P O Box 180
Jefferson City, MO 65109

Jimmie E. Small
606 W Highway #2
Milton, IA 52570



3315 W. TRUMAN BLVD.
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325



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16



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KANSAS CITY, MO 64102-1047
FAX: 816-889-3582



106 ARTHUR STREET
SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321



Missouri Commission on Human Rights + CREA
P.O. Box 1129
Jefferson City, MO 65102-1129



COMPLAINT OF DISCRIMINATION		<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDED		CHARGE NUMBER P-10/10-3312	
NAME Jimmie E. Small		TELEPHONE 319-677-0484			
STREET ADDRESS 23067 POTTER TRAIL LOT # 23		CITY KIRKSVILLE		STATE MO.	ZIP CODE 63501
		COUNTY ADAIR			
INDICATE BELOW WHO YOU WISH TO FILE YOUR COMPLAINT AGAINST					
NAME AMEREN U.E.		TELEPHONE (INCLUDE AREA CODE) 314-621-3222			
STREET ADDRESS ONE AMEREN PLAZA		CITY SAINT LOUIS		STATE MO.	ZIP CODE 63166-6149
CHECK APPROPRIATE BOX(ES) (For Office Use Only)					
<input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Color <input checked="" type="checkbox"/> Sex <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> National Origin					
<input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Age 65 <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Ancestry <input checked="" type="checkbox"/> Other (Specify) PRIOR COMPLAINT NEGOTIATION WITH AM U.E. 11/15/2007 AND CONTINUING IN 2010 TO DATE					
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (MONTH, DAY, YEAR) October 2010 AND CONTINUING					
THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACHE EXTRA SHEET(S)) SEE ATTACHED SUPPLEMENT - INTAKE SEE ALSO LEGAL DOCUMENTS EEOC v. U.S. Fidelity & H. Co. 414 F. SUPP 227 15 BNA FED CAS 532 QUESTIONSNAIRE FOR SPECIFICS. AM U.E. COMPELLING FORM BASIS DOCUMENTS OF SAID AND PROOF OF SAID CLAIM. A FOREMENTIONED CLAIM. TIMES, DATES, ENTIRE. LIABLE. As Remedy, I am seeking an end to the discrimination and humiliation, and anything else the Commission deems just and proper. JES					
I declare or affirm under penalty of perjury that I have read the foregoing and it is true and correct.		I swear that I have read the foregoing and that it is true and to the best of my knowledge, information and belief.			
X DATE October 28, 2010					
X COMPLAINANT (signature) Jimmie E. Small		SIGNATURE OF COMPLAINANT			
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE			
		SEAL AND SIGNATURE OF NOTARY PUBLIC			

FILED

OCT 28 2010

MISSOURI COMMISSION ON HUMAN RIGHTS
JEFFERSON CITY, MO 65102-1129

**MISSOURI COMMISSION ON HUMAN RIGHTS
INTAKE QUESTIONNAIRE
Complaints Against Places of Public Accommodations**

Please immediately complete this form and return it to the Missouri Commission on Human Rights (MCHR). **REMEMBER**, a complaint of discrimination must be filed within the times limits imposed by law, generally within 180 days. Upon receipt, this form will be reviewed to determine MCHR coverage. **ANSWER ALL QUESTIONS** that pertain to your situation, as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable to your situation, write "n/a". Please print.

PERSONAL INFORMATION

Last Name: SMALL First Name: Jimmie MI: E.
Street or Mailing Address: 23067 POTTER TRAIL Apt or Unit # LOT #23
City: KIRKSVILLE County: ADAIR State: MO Zip: 63501
Phone Numbers: Home (319) 677-0484 Work: () N/A
Cell: () CELL E-mail Address: N/A
Date of Birth: 04/22/45 Sex: (Male) Female Do You Have a Disability (Yes) No

Please answer the next 3 questions.

1. Are you Hispanic or Latino Yes (No)
2. What is Your Race. Please choose all that apply. American Indian or Alaskan Native
Asian (White) Black or African American Native Hawaiian or Other Pacific Islander
3. What is your National Origin (country of origin or ancestry)? US NAT BORN CITIZEN

Please Provide The Name of A Person We Can Contact If We Are Unable to Reach You:

Name: Betty J. Wassam Relationship: CLOSE FRIEND
Address: LOT #23 23067 POTTER TRAIL City: KIRKSVILLE State: MO Zip: 63501
Home Phone: (660) 627-1561 Other Phone: ()

I believe that I was discriminated against by the following organization(s):

- ☐ Employer or labor organization ☐ Landlord/Housing Provider ☒ Place of Public Accommodations
Other (Please Specify) SANDBORNSERVICES - U.S. ELECTRICAL PROVIDER

4. Date discrimination occurred APPROXIMATELY 2006-2007-2008-2009, 2010 AND CONTINUING TO DATE OCT. 2010.
5. Type of business/entity PUBLIC SERVICE, ELECTRICAL SERVICE PROVIDER
6. Business/Entity Name AMEREN UG.
Address ONE AMEREN PLAZA, 1901 CHOUTEAU AVENUE
City ST. LOUIS State MO. Zip 63166-6149
Phone Number: (314) - 621-3222

P.O. Box
66149

FILED

OCT 29 2010

MO Commission on Human Rights

What is the Reason (Basis) for your claim of public accommodations discrimination? For example, if you believe you were treated worse than someone else due to your race, you should check the box next to Race. If you feel you were treated worse than someone else for several reasons, you should check all that apply. If you complained about discrimination or filed a prior discrimination complaint, and a negative action was taken or threatened, you should check the box next to Retaliation.

Race/Color Sex Disability National Origin Religion Retaliation

Other reason (basis) for discrimination (Explain) Veteran's ~~former~~ membership -
White male complainant association with Black neighbor
child - Boy plays with dog not on lease etc. Association Discrimination
 8. What happened to you that you believe was discriminatory? Include date(s) of harm, the action(s) and name(s) of the person(s) who believe discriminated against you. Please attach additional pages if needed.
 (Example: denied service by John Smith, manager)

Name and Title of Responsible Party:

Responsible party in Corporate Ameren U.E.
OF ELECTRIC

Action: Disparity illegal disconnect in breach of prior
WRITTEN AGREEMENT 11/15/07 AND CONTINUING FALSIFIED
ACCOUNT REPORTS TO MO. PUBLIC UTILITIES COMM. FALSIFIED REPORT
OF BAD DEBTS - CREDIT SLANDER BASED ON DISABILITY, RACE, AGE,
TRUCK etc.
 9. Why do you believe these actions were discriminatory? Please attach additional pages, if needed.

OTHER AMEREN U.E. RESIDENTIAL CUSTOMERS
RESIDING IN LA COST TRAILER PARK, 23067 POTTER TRAIL
ARE TREATED MORE FAVORABLY - RECEIVE SERVICES & ACCOMMODATION
THAN COMPLAINANT JIM SMALL - ALSO PRIOR COMPLAINT AGAINST
 10. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

Name Jimmie E. Small, Betty J. Wassam,

Address MS. SNYDER, AND NUMEROUS OTHERS
INCLUDING ADIR CO SHERIFF REPORTS - DOCUMENTS.

Telephone: () Other number ()

Name AMEREN U.E. AGENTS, NOT IDENTIFIED, BUT

Address WHO SPECIFICALLY RECEIVED ILLEGAL DISCONNECT ORDERS

Telephone: (UNKNOWN) Other number (OTHER THAN 314-621-3222.)

I understand that this questionnaire is not a complaint form and that I have not yet filed a complaint of discrimination. I understand that MCHR will review this form and if the information constitutes a basis for filing a complaint, a complaint will be mailed to me for signature. I understand that a copy of the complaint form I sign will be sent to the employer, housing provider, or place of public accommodations and will be the basis for the MCHR investigation.

Jimmie E. Small
 Signature

October 28, 2010
 Date

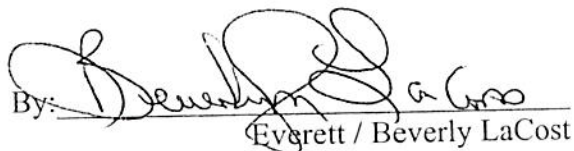
FILED

OCT 30 2010

Notice to Vacate

NOW ON this 30th day of November, 2010 **Everett and Beverly LaCost**, hereinafter referred to as "LESSORS," and gives **Jimmie E. Small** hereinafter referred to as "LESSEE," notice that he must vacate the premises he now occupies at #23 Lakeroad Village Park, Kirksville MO, Kirksville, Adair County, Missouri before January 1, 2010. Otherwise "LESSORS" will file suit to remove him and fully enforce all of their rights under the lease between the parties hereto.


Lakeroad Village Park

By: 
Everett / Beverly LaCost

Notice to Vacate

NOW ON this 30th day of November, 2010 Everett and Beverly LaCost, hereinafter referred to as "LESSORS," and gives Betty Wassam hereinafter referred to as "LESSEE," notice that she must vacate the premises she now occupies at #33 Lakeroad Village Park, Kirksville MO, Kirksville, Adair County, Missouri before January 1, 2010. Otherwise "LESSORS" will file suit to remove her and fully enforce all of their rights under the lease between the parties hereto.

Lakeroad Village Park

By: 
Everett/ Beverly LaCost

LD VILLAGE PARK
tter Trail
MO 63501



\$0.440
US POSTAGE
FIRST-CLASS
FROM 63501
NOV 29 2010
stamps.com

062S000574544



Betty Wassam
#33 Lake Road Village Park
Kirksville MO 63501



6350199999



LD VILLAGE PARK
tter Trail
MO 63501



\$0.440
US POSTAGE
FIRST-CLASS
FROM 63501
NOV 29 2010
stamps.com

062S000574544



Jimmie E Small
#33 Lakeroad Village Park
Kirksville MO 63501



6350199999



Adair County Sheriff's Office

215 N. Franklin • Kirksville, MO 63501 • (660) 665-4644

CASH RECEIPT

Received From Jim Small

☐ Bond ☐ Commissary/Intake ☐ Board Bill ☐ Other

Description Report Copies 3.00

Amt Received 15.00

☒ CASH

☐ Ck #

☐ Money Order / Cashier's Check

Date 1-11-2011

Received By S. Campbell

Report Copies
3.00
#5 = 15.00
3.00

Jimmie E. Small

I was at Sumner Smalls residence
#23 Lake Road Trails Court. Electric meter
numbers were 46779114 & 57623940 - S.

Ray Humbel

Missouri Department of Revenue

Department of Revenue Vehicle/Marine Records as of 1/1/2008

[Logout](#)

Name On Title:	SMALL JIMMIE E
Address:	23 LAKE RD VLG
City:	KIRKSVILLE
State:	MO
Zip Code:	63501
County:	Adair
Kind of Vehicle:	RV
DOC-VES Location:	
Make:	PARO
Year:	85
VIN:	1GBKP37W3E3349776
Series:	
Type:	MTRHM
Cylinders:	
Horse Power:	
Title Number:	PA429082
License Plate:	
License Plate Exp. Yr.:	
Length:	
Material:	
Propulsion:	
Brand:	
Purchase Date:	05/10/03

DONNIE WAYBILL
Adair County Assessor
106 W. Washington St.
Kirksville, MO 63501

[\[Search\]](#) [\[User Information\]](#)

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SEARCH WARRANT
AUTHORIZING SEARCH FOR STOLEN PROPERTY
(Complaint Under Supreme Court Form No. 38)

State of Missouri)
) SS. Small, Jimmie E.
County of Adair)

ASSOCIATE CIRCUIT COURT OF ADAIR COUNTY, MISSOURI
TO ANY PEACE OFFICER IN THE STATE OF MISSOURI

WHEREAS a complaint in writing, duly verified by oath, has been filed with the undersigned Judge of this Court, stating upon information and belief that heretofore the following described personal property, to-wit:

Bobwhite Quail and all 4-10 shotguns.

That said goods and chattels of the State of Missouri have been unlawfully stolen/taken, and that said property is being kept or held in this county and state at and in:

Box 33 Lakeroad Trailer Court, Kirksville, MO
The trailer is located in Lakeroad Trailer Court on W. Potter Ave. (Old Highway 6 West). The trailer is light blue with white trim and it has the number 33 on it. The number 33 is on the front of the trailer.

1983 black Ford full size pick up truck bearing Illinois license plates 4091YZ. The license plates to checks Jimmie E. Small. The truck also has a silver tool box in the back end. The truck is parked just slightly north of the residence.
; and,

WHEREAS, the Judge of this Court from the sworn allegations of said complaint and from the supporting written affidavit(s), filed therewith has found that there is probable cause to believe the allegations of the complaint to be true and probable cause for the issuance of a search warrant herein;

NOW THEREFORE, these are to command you that you search the said premises above described within 10 days after the issuance of this warrant by day or night and take with you, if need be, the power of your county, and, if said above described property or any part thereof be found on said premises by you, that you seize the same and take same into your possession, making a complete and accurate inventory of the property so taken by you in the presence of the person from whose possession the same is taken, if that be possible, and giving to such person a receipt for such property, together with a copy of this warrant, or, if no person be found in possession of said property, leaving said receipt and said copy upon the premises searched, and that you thereafter return the property so taken and seized by you, together with a duly verified copy of the inventory thereof and with you return to this warrant to this court to be herein dealt with in accordance with law.

Witness my hand and seal of this Court on this 5th day of
February, 2003, 4:30 AM/PM

Kristie J. Swain
Judge

LANDOWNER COMPLAINT

STATE OF MISSOURI

COUNTY OF Schuyler)

SS

Now comes

Donald L. Falkiner

(address)

RR1 Box 93, Queen City, MO 63561,

and states and complains that on or about the 18 day of January, 192003
at or near T64N-R14W-Sec 10 in Schuyler County,

Missouri, on land owned by the person making this complaint, the defendant,

Jimmie E. Small, of (address) Box 33 Lakewood
TR CT, Kirksville, MO 63501, did then and there unlawfully

Trespass In The 2nd Degree

in violation of section 569.150 RSMo., and that said violation occurred within
the presence of R. Shuman Smith, an authorized
agent of the Missouri Conservation Commission. Landowner further agrees to appear
as a witness against the defendant and to file any additional information as may
be required by the Prosecuting Attorney of this county.

X Donald L Falkiner

Legal
Landowner

Landowner

Subscribed before me this 4 day of February, 192003

R. Shuman Smith

Conservation Agent

