

AOC-105 Doc. Code: CI
Rev. 1-07 10/13/2010 11:23 am
Page 1 of 1 Ver. 1.02
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
CR 4.02; CR Official Form 1



CIVIL SUMMONS

10CT 07 127

Case No. _____
Court Circuit District
County Jefferson

PLAINTIFF

ATRIUM AT STONYBROOK, LLC

JEFFERSON CIRCUIT COURT
DIVISION THIRTEEN (13)

VS.

DEFENDANT

ATRIUM AT STONYBROOK 1B, INC.

Service of Process Agent for Defendant:

DAN RAPP
KENTUCKY REALTY
3944 BARDSTOWN ROAD
LOUISVILLE Kentucky 40218

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a legal action has been filed against you in this Court demanding relief as shown on the document delivered to you with this Summons. Unless a written defense is made by you or by an attorney on your behalf within 20 days following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

Date: _____, 2 _____

DAVID L. NICHOLSON, DC
CIRCUIT COURT CLERK

By:  Clerk D.C.

Proof of Service
This Summons was served by delivering a true copy and the Complaint (or other initiating document) to:

this _____ day of _____, 2_____.
Served by: _____

Title _____

KENTUCKY COURT OF JUSTICE
JEFFERSON CIRCUIT COURT
DIVISION _____
CASE NO. -

10CI 07127

ATRIUM AT STONYBROOK, LLC
9204 Taylorsville Road, Ste. 216
Louisville, Kentucky 40299

PLAINTIFF

JEFFERSON CIRCUIT COURT
DIVISION THIRTEEN (13)

-vs-

COMPLAINT

ATRIUM AT STONYBROOK 1B, INC.
Kentucky Realty
3944 Bardstown Road
Louisville, Kentucky 40218

DEFENDANT

Serve: Dan Rapp
Kentucky Realty
3944 Bardstown Road
Louisville, Kentucky 40218

*** **

Comes the Plaintiff, by and through counsel, and for its
cause of action states as follows:

JURISDICTION

1. At all times material to this Complaint, Plaintiff was and is a Kentucky Limited Liability Company in good standing, which may therefor avail itself of the jurisdiction of this Court.
2. At all times material to this Complaint, Defendant was and is a Kentucky Corporation in good standing, subject

KENTUCKY COURT OF JUSTICES **1061 07127**
JEFFERSON CIRCUIT COURT
DIVISION _____
CASE NO. -

ATRIUM AT STONYBROOK, LLC
9204 Taylorsville Road, Ste. 216
Louisville, Kentucky 40299

PLAINTIFF

JEFFERSON CIRCUIT COURT
DIVISION THIRTEEN (13)

-vs-

COMPLAINT

ATRIUM AT STONYBROOK 1B, INC.
Kentucky Realty
3944 Bardstown Road
Louisville, Kentucky 40218

DEFENDANT

Serve: Dan Rapp
Kentucky Realty
3944 Bardstown Road
Louisville, Kentucky 40218

*** **

Comes the Plaintiff, by and through counsel, and for its
cause of action states as follows:

JURISDICTION

1. At all times material to this Complaint, Plaintiff was and is a Kentucky Limited Liability Company in good standing, which may therefor avail itself of the jurisdiction of this Court.
2. At all times material to this Complaint, Defendant was and is a Kentucky Corporation in good standing, subject

to the jurisdiction of this Court.

3. This is an action to collect a debt and subject matter jurisdiction is conferred upon this Court through KRS § 23.010.
4. The amount in controversy exceeds \$4,000.00, making jurisdiction in this Court proper.

COUNT I

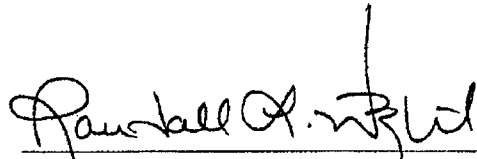
COLLECTION OF DEBT OWED

5. On or about October 3, 1995 a master deed was filed by Atrium at Stonybrook, Inc. at Deed Book 06654, Page 0657 in the Office of the County Clerk of Jefferson County, Kentucky.
6. The Master Deed described above contains a provision regarding the pool and clubhouse at section 3 (d) on page 8 which sets out the ownership of the pool and clubhouse and the relationship between the parties to this action. (Section 3 (d) attached hereto as Exhibit "A-1 through A-2", collectively.)
7. Although demand has been made upon several occasions for payment under the terms of the previous lease the council of co-owners (The Defendant.) has refused and still refuses to pay said sum. (Copies of statements and account ledger attached hereto as Exhibit "B-1

through B-16", collectively.

WHEREFORE, Plaintiff respectfully demands as follows:

1. For judgment in an amount that fairly and adequately compensates Plaintiff for it's loss; and
2. For Plaintiff's costs herein expended, including reasonable attorney fees; and
3. For interest, both pre- and post-judgment; and
4. For any and all other relief, which in consideration of equity and good conscience, might be afforded Plaintiff.



RANDALL L. WRIGHT

Counsel for Plaintiff

6010 Brownsboro Park Blvd., Ste. G
Louisville, Kentucky 40207-1294
(502) 893-8994 / (502) 893-8913 Fax

manner separated into tracts or parcels smaller than the whole unit as shown on the floor plans unless allowed by statute.

(d) The Club House and Pool will be constructed when Building 2 has been completed. Ownership of the Club House and Pool remains vested in the Developer and shall be designated as such on the Plans of Atrium at Stonybrook Condominiums. All purchasers of Units in this Condominium and those occupants of the Condo-Rental Units in Buildings 5, 6, 7, 8 and 9 on Tract A as shown on the plat attached shall be members of the "Club House and Pool". Developer shall execute a 30 year lease of the Club House and Pool and all facilities connected therewith to the Council of Co-Owners, and the operation and maintenance of same shall be solely within the control of the Council and the Council shall be responsible for all costs of the maintenance and operation of said Club House and Pool. Said Lease will contain rules and regulations and the fees for membership of both the Condo-Rentals and this Condominium. Developer shall, however, continue to pay all ad valorem taxes assessed against said Club House and Pool. The liability, fire and extended coverage shall be covered by the master insurance policy on the building in which the Club House is located and the Developer shall pay 1/16 of said premium. The fees owed to Developer by the Unit owners shall constitute a lien against the Club House and Pool and shall be collectible as any other lien enforceable at law. All fees owed by the occupants of the Condo-Rentals shall be collected by Developer and enforced by any legal remedy.

EXHIBIT NO
A-1
Randall L. Wright

All purchasers of Units take subject to these provisions and by doing so agree to make payments and to include same with their monthly maintenance payments.

4. Description of Common Elements.

The general common elements shall consist of that property as set forth on plans recorded herewith, excepting the individual units and fixtures therein and excepting any portion of the property or appurtenances thereto described as limited common elements, and shall include but not be limited to the land as set forth in attached plans and designated as common area and any improvements, and fixtures attached thereto, Condominium signs with project's name, entrances and exits, foyers, stairways, vestibules, roofs, elevators, security system and garages, pipes and electrical wiring in perimeter walls, parking areas, garbage and refuse areas, public utility lines, floor and ceilings (other than the interior undecorated surfaces thereof located within the units), perimeter walls of the units (other than the interior undecorated surfaces thereof), structural parts of the building, outside walls and outside driveways, landscaping and all other portions of the property. Structural columns and load bearing walls located within the boundary of the unit shall be a part of the general common elements. Common elements shall include tangible personal property used for the maintenance and operation of the Condominium Property Regime even though owned by the Council hereinafter described. As the amendments are made pursuant herein, general common elements shall consist of additional land designated common areas as set forth on any

EXHIBIT NO
A-2
Randall I Wright

RODULFO REALTY

5/25/2010		ATRIUM STONY BROOK HOA SECT 1	
DATE		for the following dates:	AMOUNT
1-Jan-09	107	May - Dec 2004, Years 2005,2006,2007	65,120.00
1-Jan-09	108	For Year 2008 and Jan - May 2009	25,160.00
21-May-09	106	For June 2009	1,480.00
25-Jun-09	107	For July 2009	1,480.00
8-Sep-09	202	For Sept 2009	1,480.00
1-Nov-09		For Nov 2009	1,480.00
1-Dec-09		For Dec 2009	1,480.00
1-Jan-10		For Jan 2010	1,480.00
1-Feb-10		For Feb 2010	1,480.00
1-Mar-10	301	For March 2010	1,480.00
29-Mar-10	302	For April 2010	1,480.00
25-May-10	303	For May 2010	1,480.00
25-May-10	304	For June 2010	1,480.00
		TOTAL AMOUNT DUE	106,560.00

EXHIBIT NO.
B-1
 Randall L. Wright

copy

Rodulfo Realty & Building Co., LLC

Invoice

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

Date	Invoice #
1/1/2009	108

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

P.O. No.	Terms	Project
	Due on 1st	

Description	Qty	Rate	Amount
Club House & Pool Fee (2008 - 1480/month)	12	1,480.00	17,760.00
Club House & Pool Fee (January - May 2009)	5	1,480.00	7,400.00
Total			\$25,160.00
Payments/Credits			\$0.00
Balance Due			\$25,160.00

EXHIBIT NO.
B-2
Randall L. Wright

Rodulfo Realty & Building Co., LLC

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

Invoice

Date	Invoice #
5/21/2009	106

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

Description	Qty	Rate	Amount	P.O. No.	Terms	Project
					Due on 1st	
Club House & Pool Fee (\$20/unit/month)	74	20.00	1,480.00			
				Total		\$1,480.00
				Payments/Credits		\$0.00
				Balance Due		\$1,480.00

EXHIBIT NO.
B-3
Renzell L. Wright

Rodulfo Realty & Building Co., LLC

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

Invoice

Date	Invoice #
6/25/09	107

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

Description	Qty	Rate	Amount	P.O. No.	Terms	Project
				Due on 1st		
Club House & Pool Fee (\$20/unit/month)	74	20.00	1,480.00			
				Total		
				\$1,480.00		
				Payments/Credits		
				\$0.00		
				Balance Due		
				\$1,480.00		

EXHIBIT NO
B-4
Randall L. Wright

copy

Oct

Rodulfo Realty & Building Co., LLC

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

Invoice

Date	Invoice #
9/28/2009	202

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on 1st		9/28/2009			

Quantity	Item Code	Description	Price Each	Amount
74	Club & Pool Fee	Club House & Pool Fee	20.00	1,480.00
			Total	\$1,480.00

EXHIBIT NO.
B-5
Randall L Wright

copy

Rodulfo Realty & Building Co., LLC

Invoice

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

Date	Invoice #
Nov 1, 2009	

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on 1st					

Quantity	Item Code	Description	Price Each	Amount
74	Club & Pool Fee	Club House & Pool Fee	20.00	1,480.00
			Total	\$1,480.00

EXHIBIT NO.
B-6
Randall L Wright

Rodulfo Realty & Building Co., LLC

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

06154

Invoice

Date	Invoice #
Dec 1, 2009	

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on 1st					

Quantity	Item Code	Description	Price Each	Amount
74	Club & Pool Fee	Club House & Pool Fee	20.00	1,480.00

Total \$1,480.00

EXHIBIT NO.
B-7
Randall L Wright

copy

Rodulfo Realty & Building Co., LLC

9204 Taylorsville Road Suite 216

Louisville, Kentucky 40299

Invoice

Date	Invoice #
1/1/2009	107

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

P.O. No.	Terms	Project
	Due on 1st	

Description	Qty	Rate	Amount
Club House & Pool Fee (May thru Dec 2004)	8	1,480.00	11,840.00
Club House & Pool Fee (2005)	12	1,480.00	17,760.00
Club House & Pool Fee (2006)	12	1,480.00	17,760.00
Club House & Pool Fee (2007 - 1480/month)	12	1,480.00	17,760.00
Total			\$65,120.00
Payments/Credits			\$0.00
Balance Due			\$65,120.00

EXHIBIT NO
B-8
Randall L Wright

Rodulfo Realty & Building Co., LLC

9204 Taylorsville Road Suite 216
Louisville, Kentucky 40299

Copy

Invoice

Date	Invoice #
Jan 1, 2010	

Bill To
Bill Stout Properties Atrium Stony Brook HOA Sect 1 P.O. 3019 Louisville, KY 40201

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on 1st					

Quantity	Item Code	Description	Price Each	Amount
74	Club & Pool Fee	Club House & Pool Fee	20.00	1,480.00

Total	\$1,480.00
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EXHIBIT NO.
B-9
Randall L. Wright

Atrium at Stony Brook, LLC
 9204 Taylorsville Rd., Suite 216
 Louisville, KY 40299

Copy

Invoice

Date	Invoice #
2/1/2010	

Bill To
Atrium Stony Brook HOA Sect 1 Kentucky Realty Corporation 3944 Bardstown Road Louisville, KY 40218

P.O. No.	Terms	Project
	Due 1st	

Quantity	Description	Rate	Amount
74	Club House & Pool Fee	20.00	1,480.00
Total			\$1,480.00

EXHIBIT NO
 B-10
 Randall L. Wright

Rodulfo Realty & Building Co., LLC
 9204 Taylorsville Road Suite 216
 Louisville, Kentucky 40299

Mar 2010
Mail 2/24
Invoice

Date	Invoice #
2/26/2010	301

Bill To
Kentucky Realty Corp. Atrium Stony Brook HOA Sect 1 3944 Bardstown Road Louisville, KY 40218

P.O. No.	Terms	Project
	Due on 1st	

Quantity	Description	Rate	Amount
74	Club House & Pool Fee	20.00	1,480.00
Total			\$1,480.00

EXHIBIT NO.
B-11
 Randall L Wright

Atrium at Stony Brook, LLC
 9204 Taylorsville Rd., Suite 216
 Louisville, KY 40299

*Received
 3/29/2010*

Invoice

Date	Invoice #
3/29/2010	302

Bill To
Atrium Stony Brook HOA Sect 1 Kentucky Realty Corporation 3944 Bardstown Road Louisville, KY 40218

P.O. No.	Terms	Project
	Due 1st	

Quantity	Description	Rate	Amount
74		20.00	1,480.00
Total			1,480.00

EXHIBIT NO
B-12
 Randall L Wright

Rodulfo Realty & Bldg. Co., LLC
9204 Taylorsville Road Suite 216
Louisville, KY 40299

Bill to:

Kentucky Realty Corp.
Atrium Stony Brook HOA Sect 1
3944 Bardstown Road
Louisville, KY 40218

INVOICE

DATE - 5-25-10

Invoice - 303

For - May 2010

Terms - Due on 1st

Quantity	Description	Rate	Amount
74	Club House & Pool Fee for month of May 2010	20.00	1,480.00

TOTAL AMOUNT DUE FOR MONTH \$1,480.00



Rodulfo Realty & Bldg. Co., LLC
9204 Taylorsville Road Suite 216
Louisville, KY 40299

Bill to:
Kentucky Realty Corp.
Atrium Stony Brook HOA Sect 1
3944 Bardstown Road
Louisville, KY 40218

INVOICE
DATE - 5-25-10
Invoice - 304
For - June 2010

Terms - Due on 1st

Quantity	Description	Rate	Amount
74	Club House & Pool Fee for month of June 2010		20.00 1,480.00
TOTAL AMOUNT DUE FOR MONTH			\$1,480.00



Atrium at Stonybrook
 c/o Kentucky Realty Corporation
 3944 Bardstown Road
 Louisville, KY 40218

Phone: 502-473-0003

Account Number	Statement Date
10990	5/24/2010
Due Date	Amount Due
05/24/10	1,059.35

Make checks payable to your association

Send payment To:

Rudolfo Realty
 9204 Taylorsville Road
 Suite 216
 Louisville, KY 40299

Atrium at Stonybrook
 c/o Alliance
 P.O. Box 93117
 Las Vegas, NV 89193-3117

DATE	TRANSACTION	AMOUNT	BALANCE	MEMO
		Balance Forward:	605.61	
4/1/2010	MFEF 31000	201.87	807.48	Maintenance Fees
4/11/2010	LATE 36500	25.00	832.48	
5/1/2010	MFEF 31000	201.87	1,034.35	Maintenance Fees
5/11/2010	LATE 36500	25.00	1,059.35	

Pay This Amount: \$1,059.35

Please send all correspondence or any inquires on your invoice to:

Kentucky Realty Corporation
 3944 Bardstown Road
 Louisville, KY 40218

FOLD ON PERFORATIONS, DETACH COUPON, AND RETURN IT WITH YOUR PAYMENT

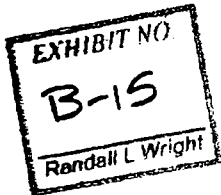
Date Paid: _____
 Check #: _____

Rudolfo Realty
 9204 Taylorsville Road
 Suite 216
 Louisville, KY 40299

Account Number	Payment Due By
10990	05/24/10
Amount Due	Amount Enclosed
1,059.35	

Make checks payable to your association
 Detach and return this portion with your remittance

Property: 8509 Atrium Drive 3
 Louisville, KY 40220



Atrium at Stonybrook
 c/o Alliance
 P.O. Box 93117
 Las Vegas, NV 89193-3117

In accordance with the rules of the National Automated Clearing House, information from the check sent with this payment may be used to create an electronic debit to your account. The electronic debit on your statement is valid as proof of payment.

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Atrium at Stonybrook
 c/o Kentucky Realty Corporation
 3944 Bardstown Road
 Louisville, KY 40218

Phone: 502-473-0003

Account Number	Statement Date
10997	5/24/2010
Due Date	Amount Due
05/24/10	12,890.61

Make checks payable to your association

Send payment To:

Rudolfo Realty
 9204 Taylorsville Rd.
 Suite 216
 Louisville, KY 40299

Atrium at Stonybrook
 c/o Alliance
 P.O. Box 93117
 Las Vegas, NV 89193-3117

DATE	TRANSACTION	AMOUNT	BALANCE	MEMO
		Balance Forward:	8,551.90	
4/1/2010	MFEE 31000	201.87	8,753.77	Maintenance Fees
4/11/2010	LATE 36500	25.00	8,778.77	
4/14/2010	BEGIN BAL	3,884.97	12,663.74	adjustment
5/1/2010	MFEE 31000	201.87	12,865.61	Maintenance Fees
5/11/2010	LATE 36500	25.00	12,890.61	

Pay This Amount: \$12,890.61

Please send all correspondence or any inquires on your invoice to:
 Kentucky Realty Corporation
 3944 Bardstown Road
 Louisville, KY 40218

FOLD ON PERFORATIONS, DETACH COUPON, AND RETURN IT WITH YOUR PAYMENT

Date Paid: _____
 Check #: _____

Rudolfo Realty
 9204 Taylorsville Rd.
 Suite 216
 Louisville, KY 40299

Account Number	Payment Due By
10997	05/24/10
Amount Due	Amount Enclosed
12,890.61	

Make checks payable to your association
 Detach and return this portion with your remittance

Property: 8510 Atrium Drive 102
 Louisville, KY 40220

EXHIBIT NO
B-16
 Randall L Wright

Atrium at Stonybrook
 c/o Alliance
 P.O. Box 93117
 Las Vegas, NV 89193-3117

In accordance with the rules of the National Automated Clearing House, information from the check sent with this payment may be used to create an electronic debit to your account. The electronic debit on your statement is valid as proof of payment.

0000 000516 0000000000010997 REALTY000000 289061 0