

# HUSCH BLACKWELL

Kevin A. Meyers  
Attorney

901 St. Louis Street, Suite 1800  
Springfield, MO 65806  
Direct: 417.268.4109  
Fax: 417.268.4040  
kevin.meyers@huschblackwell.com

RECEIVED  
FEB 10 2012  
KAY BROWN  
COUNTY CLERK

February 9, 2012

Ms. Kay Brown  
County Clerk of Christian County  
100 W. Church St., Room 206  
Ozark, MO 65721

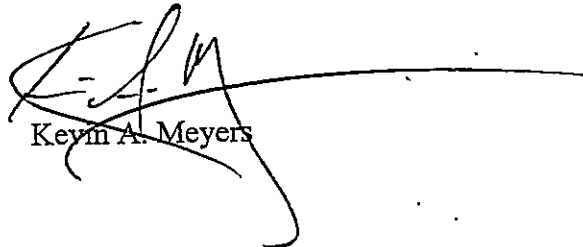
Re: Waiver of Service, Entry of Appearance, and Consent to Judgment  
Nixa R-2 Schools  
Our File No. 14387-1

Dear Kay,

Pursuant to our call today, enclosed please find a document entitled Waiver of Service, Entry of Appearance, and Consent to Judgment in the matter regarding the Nixa School District's attempt to remove its bond issue from the April ballot. As we discussed, please execute the enclosed document and return it to me and we will see to it that it gets filed with the Court. My contact information is above.

You should have already received a courtesy copy of the lawsuit via fax today, along with a cover letter from me explaining everything in the same manner as our discussion today. Thank you again for taking my call and for your time and energy working with my firm to bring this matter to a close. If you have any questions at all, please do not hesitate to contact me.

Sincerely,



Kevin A. Meyers

KAM/lkp  
Enclosure  
cc: Virginia Fry


IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT )  
NO. R-2 OF CHRISTIAN COUNTY, )  
MISSOURI, )  
 )  
Plaintiff, ) Case No. )  
 )  
vs. )  
 )  
KAY BROWN, County Clerk of )  
Christian County, and )  
 )  
JUDY BERKSTRESSER, County Clerk of )  
Stone County, and )  
 )  
RICHARD STRUCKHOFF, County Clerk of )  
Greene County, )  
 )  
Defendants. )

**WAIVER OF SERVICE, ENTRY OF APPEARANCE  
AND CONSENT TO JUDGMENT**

COMES NOW Defendant Kay Brown, a Defendant in the above-entitled cause, and voluntarily enters her appearance herein, and acknowledges service upon her a copy of the Petition To Remove Request For Bond Approval From Ballot. Defendant Brown admits that she is the duly elected Clerk of the County Commission of Christian County, Missouri. Ms. Brown further admits that she is the election authority for the purposes of conducting an election for the Nixa Reorganized School District No. R-2 of Christian County, Missouri. Ms. Brown has no opposition to the relief sought by the School District and has reviewed and is in agreement with the proposed Court Order.

DATED this 10<sup>th</sup> day of February, 2012.

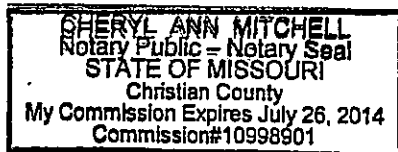
  
\_\_\_\_\_  
Kay Brown.  
Clerk of the County Commission  
Christian County, Missouri

Subscribed and sworn to before me, on the 10 day of February 2012.

Witness my hand and official seal, the day above written.

*Cheryl Ann Mitchell*  
Notary Public

My commission expires:



**NOTICE OF BOND ELECTION**

**NIXA REORGANIZED SCHOOL DISTRICT NO. R-2  
OF CHRISTIAN COUNTY**

Notice is hereby given to the qualified voters of Nixa Reorganized School District No. R-2 of Christian County, Missouri that the Board of Education in said School District has called a special election to be held in said School District on Tuesday, April 3, 2012, commencing at six o'clock A.M. and closing at seven o'clock P.M., on the question contained in the following sample ballot.

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**OFFICIAL BALLOT  
SPECIAL BOND ELECTION  
NIXA REORGANIZED SCHOOL DISTRICT NO. R-2  
OF CHRISTIAN COUNTY, MISSOURI**

Tuesday, April 3, 2012

QUESTION

Shall Nixa Reorganized School District No. R-2 of Christian County, Missouri, incur indebtedness and issue its general obligation bonds in the amount of \$9,000,000 for the purpose of building additions to and renovating, repairing and improving existing school buildings and facilities and furnishing and equipping the same and acquiring school buses?

YES

NO

If this proposition is approved the adjusted debt service levy of the District is estimated to remain unchanged at \$1.0666 per one hundred dollars assessed valuation of real and personal property.

**INSTRUCTIONS TO VOTERS:** If you are in favor of the question, place an X in the box opposite "YES". If you are opposed to the question, place an X in the box opposite "NO".

---

The authorization of said bonds will authorize the levy and collection of an annual tax in addition to all other taxes provided for by law on all taxable tangible property in said School District sufficient to pay the principal of and interest on said bonds as they fall due and to retire the same within twenty (20) years from the date thereof.

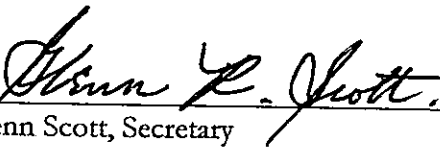
The polling place for voters in the School District residing in Christian, Stone and Greene Counties will be at:

Christian County:

Stone County:

Greene County:

DONE by order of the Board of Education this 10th day of November, 2011.

  
\_\_\_\_\_  
Glenn Scott, Secretary  
Board of Education of Nixa Reorganized School  
District No. R-2 of Christian County, Missouri

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

**FILED**  
BARBARA D. STILLINGS  
FEB 17 2012

NIXA REORGANIZED SCHOOL DISTRICT  
NO. R-2 OF CHRISTIAN COUNTY,  
MISSOURI,

Plaintiff,

vs.

KAY BROWN, County Clerk of  
Christian County, and

JUDY BERKSTRESSER, County Clerk of  
Stone County, and

RICHARD STRUCKHOFF, County Clerk of  
Greene County,

Defendants.

CIRCUIT CLERK  
CHRISTIAN COUNTY, MO

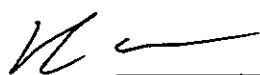
Case No. 12CT-CC00162


**ORDER**

Pending before the Court is Plaintiff's Petition to Remove Request For Bond Approval From Ballot. The Defendants, who are the clerks of the county commissions for Christian, Stone, and Greene Counties, have waived service, filed their Entry of Appearance, and agreed to the relief requested by the School District.

It is therefore ORDERED, ADJUDGED AND DECREED that the request for special bond election on behalf of the Nixa Reorganized School District No. R-2 of Christian County, Missouri shall be stricken from the April 3, 2012 ballots in Christian, Stone, and Greene Counties, Missouri. All taxable costs assessed to Plaintiff.

IT IS SO ORDERED this 17 day of February, 2012.

  
The Honorable Mark E. Orr  
Circuit Court of Christian County, Missouri

ATTEST A TRUE COPY:  
BARBARA D. STILLINGS, CIRCUIT CLERK  
CHRISTIAN COUNTY, MISSOURI  
BY 

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT )  
NO. R-2 OF CHRISTIAN COUNTY, )  
MISSOURI, )

Plaintiff, )

Case No. 12CT-CC00162

vs. )

KAY BROWN, County Clerk of )  
Christian County, and )

JUDY BERKSTRESSER, County Clerk of )  
Stone County, and )

RICHARD STRUCKHOFF, County Clerk of )  
Greene County, )

Defendants. )

**MOTION FOR ENTRY OF CONSENT JUDGMENT**

COMES NOW Plaintiff Nixa Reorganized School District R-2 of Christian County, Missouri, ("Plaintiff") and states as follows for its Motion for Entry of Consent Judgment:

1. The above-captioned action is a lawsuit filed by Plaintiff seeking a Court Order to remove an upcoming bond issue from the ballot of Christian, Greene, and Stone Counties in Missouri. The bond issue passed during the February election making its presence on the April ballot unnecessary.

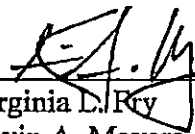
2. Defendants have waived formal service of process and by the documents attached to this Motion formally entered their appearance. See Exhibits A, B, and C, Waiver of Service, Entry of Appearance, and Consent Judgment executed by each defendant.

3. Exhibits A, B, and C further state that Defendants have reviewed the pleadings in this matter and consent to judgment being entered against them in the form of the proposed Order attached to this Motion as Exhibit D.

4. With the consent and blessing of all Defendants, the undersigned hereby respectfully requests the Court enter the Order in the form attached hereto as Exhibit D, which will fully resolve all issues before this Court.

WHEREFORE, the parties request the Court enter an Order in the form attached hereto as Exhibit D, and grant the parties such other and further relief deemed just and appropriate under the circumstances.

**Husch Blackwell LLP**

  
\_\_\_\_\_  
Virginia L. Ry #28895  
Kevin A. Meyers #58683  
901 St. Louis Street, Suite 1800  
Springfield, MO 65806  
Telephone: (417) 268-4000  
Facsimile : (417) 268-4040  
**Attorneys for Plaintiff**



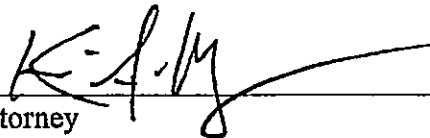
**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing **Petition To Remove Request For Bond Approval** was served this 16 day of February, 2012, via facsimile, to:

Kay Brown  
County Clerk of Christian County  
100 W. Church Street, Room 206  
Ozark, MO 65721  
Telephone: (417) 581-6360  
Facsimile: (417) 581-8331

Judy Berkstresser  
County Clerk of Stone County  
108 E. 4<sup>th</sup> Street  
P O Box 45  
Galena, MO 65656  
Telephone: (417) 357-6127  
Facsimile: (417) 357-6861

Richard Struckhoff  
County Clerk of Greene County  
940 Boonville Avenue  
Springfield, MO 65802  
Telephone: (417) 868-4055  
Facsimile: (417) 868-4170

  
\_\_\_\_\_  
Attorney

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT )  
NO. R-2 OF CHRISTIAN COUNTY, )  
MISSOURI, )

Plaintiff, )

Case No.

vs. )

KAY BROWN, County Clerk of )  
Christian County, and )

JUDY BERKSTRESSER, County Clerk of )  
Stone County, and )

RICHARD STRUCKHOFF, County Clerk of )  
Greene County, )

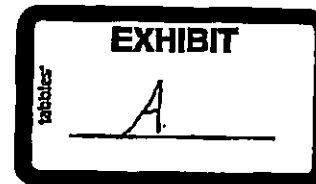
Defendants. )

WAIVER OF SERVICE, ENTRY OF APPEARANCE  
AND CONSENT TO JUDGMENT

COMES NOW Defendant Kay Brown, a Defendant in the above-entitled cause, and voluntarily enters her appearance herein, and acknowledges service upon her a copy of the Petition To Remove Request For Bond Approval From Ballot. Defendant Brown admits that she is the duly elected Clerk of the County Commission of Christian County, Missouri. Ms. Brown further admits that she is the election authority for the purposes of conducting an election for the Nixa Reorganized School District No. R-2 of Christian County, Missouri. Ms. Brown has no opposition to the relief sought by the School District and has reviewed and is in agreement with the proposed Court Order.

DATED this 10<sup>th</sup> day of February, 2012.

Kay Brown  
Kay Brown  
Clerk of the County Commission  
Christian County, Missouri

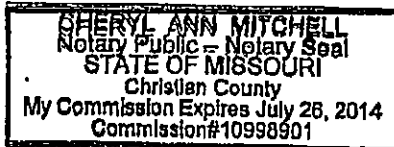


Subscribed and sworn to before me, on the 10 day of February 2012.

Witness my hand and official seal, the day above written.

*Sheryl Ann Mitchell*  
Notary Public

My commission expires:



IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT  
NO. R-2 OF CHRISTIAN COUNTY,  
MISSOURI,

Plaintiff,

vs.

KAY BROWN, County Clerk of  
Christian County, and

JUDY BERKSTRESSER, County Clerk of  
Stone County, and

RICHARD STRUCKHOFF, County Clerk of  
Greene County,


Defendants.

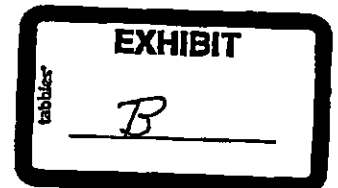
Case No.

WAIVER OF SERVICE, ENTRY OF APPEARANCE  
AND CONSENT TO JUDGMENT

COMES NOW Defendant Judy Berkstresser, a Defendant in the above-entitled cause, and voluntarily enters her appearance herein, and acknowledges service upon her a copy of the Petition To Remove Request For Bond Approval From Ballot. Defendant Berkstresser admits that she is the duly elected Clerk of the County Commission of Stone County, Missouri. Ms. Berkstresser further admits that Kay Brown is the election authority for the purposes of conducting an election for the Nixa Reorganized School District No. R-2 of Christian County, Missouri. Ms. Berkstresser has no opposition to the relief sought by the School District and has reviewed and is in agreement with the proposed Court Order.


DATED this 10<sup>th</sup> day of February, 2012.

  
Judy Berkstresser  
Clerk of the County Commission  
Stone County, Missouri

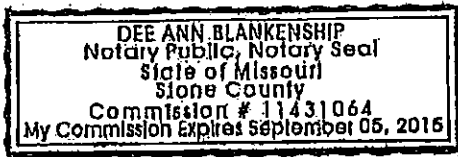


Subscribed and sworn to before me, on the 10 day of February, 2012.

Witness my hand and official seal, the day above written.

  
\_\_\_\_\_  
Notary Public

My commission expires:



IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT  
NO. R-2 OF CHRISTIAN COUNTY,  
MISSOURI,

Plaintiff,

vs.

KAY BROWN, County Clerk of  
Christian County, and

JUDY BERKSTRESSER, County Clerk of  
Stone County, and

RICHARD STRUCKHOFF, County Clerk of  
Greene County,

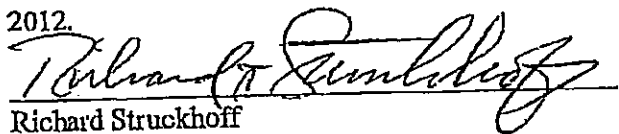
Defendants.

Case No.

WAIVER OF SERVICE, ENTRY OF APPEARANCE  
AND CONSENT TO JUDGMENT

COMES NOW Defendant Richard Struckhoff, a Defendant in the above-entitled cause, and voluntarily enters his appearance herein, and acknowledges service upon him a copy of the Petition To Remove Request For Bond Approval From Ballot. Defendant Struckhoff admits that he is the duly elected Clerk of the County Commission of Greene County, Missouri. Mr. Struckhoff further admits that Kay Brown is the election authority for the purposes of conducting an election for the Nixa Reorganized School District No. R-2 of Christian County, Missouri. Mr. Struckhoff has no opposition to the relief sought by the School District and has reviewed and is in agreement with the proposed Court Order.

DATED this 9<sup>th</sup> day of February, 2012.



Richard Struckhoff  
Clerk of the County Commission  
Greene County, Missouri



Subscribed and sworn to before me, on the 9 day of February 2012.

Witness my hand and official seal, the day above written.

*Loraine A Bruer*  
Notary Public

My commission expires:



LORAIN A. BRUER  
My Commission Expires  
August 22, 2014  
Greene County  
Commission #10517141

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT	)	
NO. R-2 OF CHRISTIAN COUNTY,	)	
MISSOURI,	)	
	)	
Plaintiff,	)	Case No.
	)	
vs.	)	
	)	
KAY BROWN, County Clerk of	)	
Christian County, and	)	
	)	
JUDY BERKSTRESSER, County Clerk of	)	
Stone County, and	)	
	)	
RICHARD STRUCKHOFF, County Clerk of	)	
Greene County,	)	
	)	
Defendants.	)	

**ORDER**

Pending before the Court is Plaintiff's Petition to Remove Request For Bond Approval From Ballot. The Defendants, who are the clerks of the county commissions for Christian, Stone, and Greene Counties, have waived service, filed their Entry of Appearance, and agreed to the relief requested by the School District.

It is therefore ORDERED, ADJUDGED AND DECREED that the request for special bond election on behalf of the Nixa Reorganized School District No. R-2 of Christian County, Missouri shall be stricken from the April 3, 2012 ballots in Christian, Stone, and Greene Counties, Missouri. All taxable costs assessed to Plaintiff.

IT IS SO ORDERED this \_\_\_\_ day of February, 2012.

\_\_\_\_\_  
The Honorable Mark E. Orr  
Circuit Court of Christian County, Missouri





IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT )  
NO. R-2 OF CHRISTIAN COUNTY, )  
MISSOURI, )

Plaintiff, )

Case No. 12CT-CC00162

vs. )

KAY BROWN, County Clerk of )  
Christian County, and )

JUDY BERKSTRESSER, County Clerk of )  
Stone County, and )


RICHARD STRUCKHOFF, County Clerk of )  
Greene County, )

Defendants. )

MOTION TO SHORTEN TIME

COMES NOW Kevin A. Meyers and moves the Court to shorten time for hearing Plaintiff's Motion for Entry of Consent Judgment to 9:00 a.m., Friday, February 17, 2012 or as soon thereafter as counsel may be heard.

Husch Blackwell LLP

  
\_\_\_\_\_  
Virginia L. Fry #28895  
Kevin A. Meyers #58683  
901 St. Louis Street, Suite 1800  
Springfield, MO 65806  
Telephone: (417) 268-4000  
Facsimile : (417) 268-4040  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing **Motion to Shorten Time** was served this 16th day of February, 2012, via facsimile, to:

Kay Brown  
County Clerk of Christian County  
100 W. Church Street, Room 206  
Ozark, MO 65721  
Telephone: (417) 581-6360  
Facsimile: (417) 581-8331

Judy Berkstresser  
County Clerk of Stone County  
108 E. 4<sup>th</sup> Street  
P O Box 45  
Galena, MO 65656  
Telephone: (417) 357-6127  
Facsimile: (417) 357-6861

Richard Struckhoff  
County Clerk of Greene County  
940 Boonville Avenue  
Springfield, MO 65802  
Telephone: (417) 868-4055  
Facsimile: (417) 868-4170

  
\_\_\_\_\_  
Attorney

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

NIXA REORGANIZED SCHOOL DISTRICT )  
NO. R-2 OF CHRISTIAN COUNTY, )  
MISSOURI, )

Plaintiff, )

Case No. 12CT-CC00162

vs. )

KAY BROWN, County Clerk of )  
Christian County, and )

JUDY BERKSTRESSER, County Clerk of )  
Stone County, and )

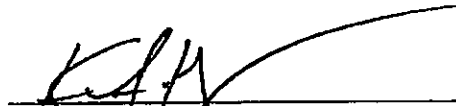
RICHARD STRUCKHOFF, County Clerk of )  
Greene County, )

Defendants. )

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the undersigned will call up for hearing Plaintiff's  
Motion to Shorten Time for Hearing and Motion for Entry of Consent Judgment on  
Friday, February 17, 2012, at 9:00 a.m. or as soon thereafter as counsel may be heard.

**Husch Blackwell LLP**



Virginia L. Fry  
Kevin A. Meyers  
901 St. Louis Street, Suite 1800  
Springfield, MO 65806  
Telephone: (417) 268-4000  
Facsimile : (417) 268-4040  
**Attorneys for Plaintiff**

#28895  
#58683

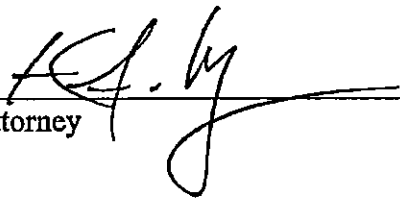
**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing Notice of Hearing was served this 16th day of February, 2012, via facsimile, to:

Kay Brown  
County Clerk of Christian County  
100 W. Church Street, Room 206  
Ozark, MO 65721  
Telephone: (417) 581-6360  
Facsimile: (417) 581-8331

Judy Berkstresser  
County Clerk of Stone County  
108 E. 4<sup>th</sup> Street  
P O Box 45  
Galena, MO 65656  
Telephone: (417) 357-6127  
Facsimile: (417) 357-6861

Richard Struckhoff  
County Clerk of Greene County  
940 Boonville Avenue  
Springfield, MO 65802  
Telephone: (417) 868-4055  
Facsimile: (417) 868-4170

  
\_\_\_\_\_  
Attorney