

IN THE CHANCERY COURT FOR CAMPBELL COUNTY, TENNESSEE

Daniel Valle, Maryanne Rykalski, Tom Peck, Merillee Peck, Loel Crawford, Georgia Sergent, Steve Wentzel, Fran Painter, Misty Aeck, R Allen Bowen, Marie Sweeny (Bowen), Lance Bryant, Carol Bryant, John Cordell, Cynthia Cordell, Steve Dehler, Kim Dehler, Dan Fricke, Heather Fricke, Vickie Given, Mick Given, Steve Guy, Walter Hartel, Kathryn Hartel, Hilty Ltd Partnership, Krista Hopkins, Suzanne Dodgers, Doug Hoover, Emmalee Hoover, Duane Issacs, Mike Killin, Wendy Killen, Jennifer Seim (Lau), Jeff Morgan, Barbara Morgan, Patrick O'Christie, Michele O'Christie, Chris Quemore, Kathy Quemore, Peter Ries, Susan Ries, Dennis Rutherford, Sandi Rutherford, Duane Satzger, Kim Satzger, MarkThompson, Carissa Thompson, Bill Vermillion, Charlotte Vermillion, Don Welchance, Carol Welchance, Debra Wentzel, Keith Keyser, Judith Burhans, Lyle Burhans Margaret McKeever Ron New, Dennis Feichtner, Pam Feichtner, Susan Greenwood, Glen Greenwood, Jon Sisk, Diana Sisk, Mike Boden, Gerald Davies, Mary Lou Davies, On Behalf of Interested Members of Deerfield Resort Homeowners Association, Inc., and Derivatively for Deerfield Resort Homeowners Association, Inc., and its members,

PLAINTIFFS,

V.

No. 7CHI-2019-DV-237

Madeline Fields, individually and in her representative capacity as an officer and/or director of Deerfield Resort Homeowners Association, Inc. and other named corporate entities,

AND

Raymond "Scott" Fields, individually and in his representative capacity as an officer and/or director of Deerfield Resort Homeowners Association, Inc. and other named corporate entities,

AND

Paula Fields Lejeune, individually and in her representative capacity as an officer and/of director of Deerfield Resort

Homeowners Association, Inc. and other named corporate entities,

AND

Mark Lejeune, individually

AND

Fields Development Company, Inc., a Tennessee Corporation by Madeline Fields, Registered Agent

AND

Fields Real Estate, Inc., a Tennessee Corporation by Madeline Fields, Registered Agent

AND

Deerfield Resort, Inc., a putative corporation by Madeline Fields,

DEFENDANTS,

Nelson Lare, Greg Beck, Melissa E. Beck, Greg Hessler, Scott Sjogren, Kelly L & Scott W Sjogren Co-Trustees, 237 Doe Lane, LLC, Pamela Karsteter, William Whitehouse, Terry Smith, Carol Lyons, Robert Lyons, Gary and Karen Leever, Robert Bruce Hickman, M-M Properties, Timothy Vasconcellos, Noble Tower Holdings LLC, Kenneth & Amy Faler, Don & Carolyn Ray, Alan Langhals, Tammy J Langhals Trust, D. Jeff Lykins, James & Joni Thompson, Andrew Kristo, Joanna Tickle, Crown Properties, Tracy Cassinelli, David Pearson, Brian Purdy, Greg Miller, Gregory S & Bryna Miller Trustees, Mary Clanin, Timothy Gruber, Robert Trenkamp, Jerome Thole, Sue Knopp, Elizabeth Pharo, Richard Kennedy, John & Laura Eggenpiller, David Schneider, Kim Schneider, Lori Combs Suc, James Dossett, Ryan Welker, Deborah Welker, Rebecca Gilley, Michael & Denise Borns, Mary Eisenaugle, Anthony Vasconcellos, Kathy Vasconcellos, Deerfield at the Lake LLC, Vickie L Welsh Trustee, Nancy Talbot, DM Doe Lane Properties LLC, Harvey Perricone, Stephen Jackson, Lily Pad Investments LLC, Larry & Kathy Moran, Larry D & M Kathleen Moran Trustees, Justin Lightner, Partner Stickel, J. Victor Bean, Kathleen Bean, Kathleen Bean Trust, Vernon Ray Turner, Jeanette Turner, James Kaiser, Karen Kaiser, Robert Wahlbrink, Nick Rosian, Thomas Chisano, Carl Schlotman, Partner Steve Linneman, Megan Bell, Andrew Lorenz, Daniel Fagin, Linda McKinney, Robert Fields, Dave Kolbe, The Kolbe Family Trust, Roger Cottongim, Louis & Mary Viltro, Mark Deem, Charles & Vannah Kraft, Rob Dubin, Dubin Real Property Partnership LTD, Boyd Gilley, Larry Michalek, Arthur Bedel, Vince Trovato, Marsha and Corbett Caudill, On Behalf of Interested Members of Deerfield Resort Homeowners Association, Inc., and Derivatively for Deerfield Resort Homeowners Association, Inc., and its members,

as **RESPECTFUL INDISPENSABLE PLAINTIFFS.**

JOINT MOTION TO COMPEL JOINDER OF INDISPENSABLE PARTIES

Indispensable and Necessary Plaintiffs (hereby known as “Intervenors”), by and through counsel, and jointly with the Defendants, move this Court, pursuant to Rule 19 of the *Tennessee*

Rules of Civil Procedure, for an order requiring joinder of Intervenor as an indispensable and necessary party in this action. The language of Tenn. R. Civ. P. 19 is mandatory and directive; one who is an indispensable and necessary party *shall be joined as a party*. Tenn. R. Civ. P. 19.01 (emphasis added). The requirement of joining indispensable and necessary parties appears absolute and inflexible. When an indispensable and necessary party has not been joined, neither the trial court nor the appellate court may proceed further with the matter. The parties are of course obliged to bring to the court's attention the necessity of such a joinder; however, even if the parties fail to do so, the trial court or even the appellate court must *sua sponte* enforce this principle of law. *Baker v. Foster*, No. W2009-00214-COA-R3-CV, 2010 Tenn. App. LEXIS 20, at *1 (Ct. App. Jan. 20, 2010) (emphasis added). As grounds for this *Motion* Intervenor would show this Court as follows:

1. Intervenor are not a party to this action;
2. Intervenor are subject to service of process by this Court. Tennessee Rule of Civil

Procedure 19.01 provides a mandatory directive on who should be joined as a party, stating:

A person who is subject to service of process shall be joined as a party if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person's absence may (i) as a practical matter impair or impede the person's ability to protect that interest, or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reasons of the claimed interest. If the person has not been so joined, the court shall order that the person be made a party. If the person properly should join as a plaintiff but refuses to do so, he or she may be made a defendant, or in a proper case, an involuntary plaintiff.

Love v. McDowell, No. E2019-00177-COA-R3-CV, 2019 Tenn. App. LEXIS 414, at *1 (Ct. App. Aug. 26, 2019).

3. Intervenor claim an interest relating to the subject of the action as they are owners of real property in the Deerfield Resort.

4. Persons whose real property interests may potentially be affected by a trial court's ruling have consistently been recognized as indispensable and necessary parties. *Baker*, 2010 Tenn. App. LEXIS 20, 2010 WL 174773, at *5. (citations omitted) (emphasis added).

4. Intervenors are comprised of well over fifty (50) members or five-percent (5%) of the Deerfield Resort Homeowners Association, Inc. ("Association") and in fact Intervenors currently stand at more than one hundred fifteen (115) property owners.

5. Both Plaintiffs and Intervenors are property owners and Members of the Association, which was formed to fund, oversee, maintain private roadways, common areas, and protect the property values of the real property in Deerfield Resort.

6. The disposition of this action in the Intervenors' absence would impede or impair their ability to protect their interests and the property values of the owners for present and future purposes.

7. The absence of the Intervenors would only allow Plaintiffs who are already parties in the action the ability to impede, erode, and/or substantially harm Intervenors value in their property and interest.

8. Throughout this litigation, Plaintiffs have failed to properly advise, consult, update, and/or consider the input or interests of Intervenors thereby necessitating this joinder.

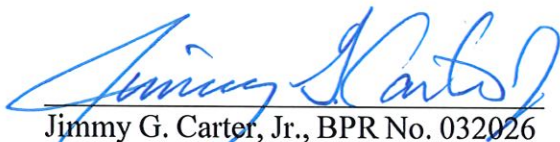
9. Failure to join Intervenors risks leaving existing parties subject to inconsistent obligations and undermines the comprehensive resolution of this matter.

10. Intervenors, representing a significant portion of property owners in Deerfield Resort, assert ownership interests that are directly impacted by the outcome of this litigation. Without their

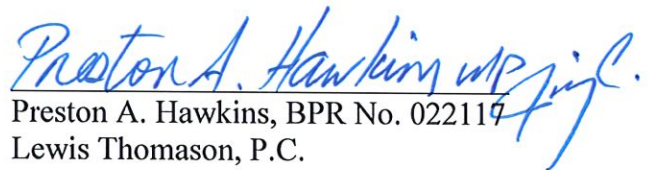
participation, any judgment rendered might not effectively resolve disputes over property boundaries, access rights, or maintenance obligations concerning common areas within the resort.

In conclusion, the joinder of Intervenor is essential to ensure that all relevant interests are adequately represented and protected in this litigation. Their exclusion could not only impair the court's ability to provide comprehensive relief but also create risks of inconsistent legal obligations and adverse impacts on property values within Deerfield Resort. Thus, their inclusion as indispensable parties is both necessary and prudent under the circumstances of this case. Accordingly, Intervenor respectfully request this Court to enter an Order finding that they are an indispensable party in this action and requiring their joinder to this action as a separate plaintiffs' group.

Respectfully submitted this the 21st day of June 2024,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and exact copy of the foregoing pleading has been sent via U.S. Mail, facsimile, or electronic mail to the following on this 21st day of June 2024.

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