

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

CASTLE ON THE HILL ASSOCIATION,	:	CASE NO.:	_____
	:		
Plaintiff,	:		
	:	PETITION	
vs.	:		
	:		
CASTLE ON THE HILL LIMITED	:		
LIABILITY COMPANY AND	:		
NUSTYLE INVESTMENT	:		
CORPORATION,	:		
	:		
Defendants.	:		

COUNT I

COMES NOW the Plaintiff and for its cause of action against Castle on the Hill Limited Liability Company states:

1. That the Castle on the Hill Association (COHA) is a duly organized Iowa non-profit association with its principal place of office in Sioux City, Woodbury County, Iowa.
2. That Castle on the Hill Limited Liability Company (Castle LLC) is a duly organized and existing Iowa limited liability company doing business in Sioux City, Woodbury County, Iowa.
3. That on or about October 10, 2002, COHA and Castle LLC entered into a Contract whereby COHA had the option to purchase the Castle on the Hill apartments from Castle LLC.
4. That Castle LLC has wrongfully encumbered the Castle on the Hill apartments' property and otherwise restricted its alienability in such a way that COHA is unable to exercise its option to purchase the property.
5. That COHA has been damaged as a proximate result of Castle LLC's breach of contract and interference with the contract.

6. That COHA is a tenant in the Castle on the Hill apartments and Castle LLC's wrongful acts as described herein have been undertaken for the purpose of evicting and removing COHA from the Castle on the Hill apartments building.

7. That the wrongful actions of Castle LLC are intentional, willful and undertaken with a wanton and reckless disregard for the rights of COHA.

WHEREFORE COHA prays for a judgment against Castle LLC in an amount that fairly and adequately compensate it for its damages and for punitive damages in an amount that will fairly and appropriately punish Castle LLC. Finally, COHA prays for the award of Court costs and attorney fees.

## COUNT II

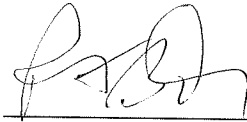
COMES NOW the Castle on the Hill Association and for its cause of action against Nustyle Investment Corporation states:

1. That paragraphs 1 – 6, inclusive, of Count I are hereby replead as if fully set out herein.
2. That Nustyle Investment Corporation is a Nebraska corporation doing business in the State of Iowa and operating under a development services agreement with Castle LLC.
3. That Nustyle has intentionally, wrongfully and tortuously interfered with the contract between COHA and Castle LLC.
4. That COHA has been damaged as a direct and proximate result of the interference of Nustyle.
5. That the wrongful acts of Nustyle have been intentional, willful and undertaken with a wanton disregard for the rights of COHA.

WHEREFORE COHA prays for a judgment against Nustyle in an amount that will fairly and adequately compensate it for its damages and further for punitive damages in an amount that will fairly and adequately punish Nustyle for its wrongful actions. Finally, COHA prays for the award of Court costs and attorney fees.

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