
INDEX TO THE APPENDIX

Rule 14.1(i)(i-ii)**EXHIBIT:**

A. Windsor Manor's December 13, 2018 *Summons for Unlawful Detainer*, filed in the Norfolk General District Court. Appendix
Pages:
A7- A8

B. The Norfolk Circuit Court's April 12, 2019 RULING, DENYING the petitioner's April 4, 2019 Motion to Compel Discovery and Continue the Trial. **A9**

C. The Norfolk Circuit Court's April 30, 2019 ORDER granting *Summons for Unlawful Detainer* and possession of 828 Gates Avenue, Unit C3, with immediate *Writ of Possession* of that unit; written ORDER for the Bond of \$5,245.90, to be paid by petitioner upon Appeal. **A10- A13**

D. Notice and Writ of Eviction, posted on Unit C3 on January 4, 2021 by the Office of the Sheriff of Norfolk, VA. **A14**

E. The Court's Writ of Eviction, executed by the Office of the Sheriff of Norfolk, VA on January 11, 2021. **A15**

F. The Virginia Supreme Court's December 4, 2019 DENIAL of the petitioner's Motion for Leave to Amend with Amended Petition for Appeal. **A16**

G. The Virginia Supreme Court's July 13, 2020 REFUSAL of petitioner's August 2019 Petition for Appeal. **A17**

Rule 14.1(i)(iii)**EXHIBIT:**

H. The Virginia Supreme Court's October 9, 2020 DENIAL of the petitioner's Petition for Rehearing. **A19**

Rule 14.1(i)(v) and 14.1(f)**EXHIBIT:**

	<u>Appendix</u> <u>Pages:</u>
I. Rules of the Supreme Court of Virginia, Rule 4:1(a). General Provisions for Discovery.	A21
J. The Fourteenth Amendment to The Constitution of the United States of America.	A22
K. Title 42 of U.S.C., §1983.	A23
L. Rules of the Supreme Court of Virginia. Part Five. Section J. Supreme Court of the United States. Rule 5:39. Delay in Issuing Mandate upon Appeal or Petition to Supreme Court of the United States.	A24
M. Virginia Code, §55-425(A), Applicability. Replaced during these proceedings by Title 55.1, Property and Conveyances. Subtitle IV, Common Interest Communities. Chapter 21, Virginia Real Estate Cooperative Act. §55.1-2101(A), Applicability.	A26-A27
N. Virginia Code, Title 55.1, Property and Conveyances. Subtitle IV, Common Interest Communities. Chapter 18, <i>Property Owners' Association Act</i>. §55.1-1801(A), Applicability.	A28
O. Virginia Code, Title 55.1, Property and Conveyances. Chapter 12, <i>Virginia Residential Landlord and Tenant Act</i>. §55.1-1201(C)(3), Applicability of chapter; local authority.	A29-A30
P. Virginia Code, Title 8.2A. Commercial Code – Leases. Part 1. §8.2A-108. Unconscionability; <u>Uniform Commercial Code</u>, §2-302. Unconscionable Contract or Clause.	A32-A33
Q. The Court's right to refuse to enforce a contract clause deemed unconscionable and the Court's duty to allow opportunity for Discovery upon motion of either party: Virginia Code, Title 55. Chapter 24. <i>Virginia Real Estate Cooperative Act</i>, §55-434. Unconscionable agreement or term of contract (replaced by §55.1-2109. Unconscionable agreement	A34-A37

or term of contract); *Applicability of §55-434 to co-ops built before 1982*: Virginia Code, Title 55. Chapter 24. *Virginia Real Estate Cooperative Act*, §55-425(B). Applicability [of §55-434 to co-ops built before 1982] {replaced during these proceedings by *Virginia Real Estate Cooperative Act*. §55.1-2101(B). Applicability [of §55.1-2109 to co-ops built before 1982].}

R. Virginia Code, Title 13.1. Corporations. Chapter 9. *Virginia Stock Corporation Act*. §13.1-690(A). General standards of conduct for a director. A38

S. Virginia Code, Title 13.1. Corporations. Chapter 9. *Virginia Stock Corporation Act*. §13.1-694(B) (2). Duties of officers. A39

U. *The Model Business Corporation Act*. §8.30. Subchapter C. Standards of Conduct for Directors. A40-A41

V. The American Bar Association's Practice Points: "What You Should Know about the Implied Duty of Good Faith and Fair Dealing" (July 26, 2016, by Catherine Pastrikos Kelly). A 42-A43

W. The Business Judgment Rule. A44

X. Virginia Code, Title 8.2A. Commercial Code-Leases. Part 1. §8.2A-104. Leases subject to other law. A45

Y. Virginia Code, Title 8.1A. Part 3. §8.1A-304. Obligation of good faith; Uniform Commercial Code, §1-304. Obligation of Good Faith. A46-A47

Z. Virginia Code, §8.1A-302. Variation by agreement. **Subsection (b)**; Uniform Commercial Code §1-302. Variation by Agreement. **Subsection (b)**. A48-A49

Rule 14.1(i)(v) and 14.1(g)(i), Oral Arguments

TRX-I. Transcript Citation Index I A51 - A55
TOPIC I: Standards and Authorities

TRX-II. Transcript Citation Index II A56 - A65
TOPIC II: The Relevance of Discovery

Rule 14.1(i)(v) and 14.1(g)(i), Written**EXHIBIT:**

AA.Letter on April 2, 2019 from Johnna N. Chick, former counsel on behalf of the petitioner, to Mr. Barry Dorans, counsel on behalf of Windsor Manor, Inc., concerning Windsor Manor's refusal to respond to Discovery Requests.

BB.Petitioner's April 4, 2019 Motion to Compel Discovery and Continue the Trial.

CC.Windsor Manor's April 8, 2019 Motion in limine.

DD.Precedent referenced by the petitioner:

40 West 67th Street Corporation v. David Pullman.
22 Ill.100 N.Y.2d 147, 760 N.Y.S.2d 745, 790 N.E.2d 1174 (2003).

Appendix Pages:

A66

A67-A72

A 73- A74

A75- A83

Rule 14.1(i)(vi)**EXHIBIT:**

EE.Petitioner's Certificate of Stock in Windsor Manor, Inc., issued to her on March 30, 2005.

A85

FF.Petitioner's **September 25, 2018** letter to shareholders, raising questions about violations of Code that might render their building sale "void."

A86-A87

GG.Windsor Manor's Notice of Special Meeting with list of accusations against the petitioner, mailed to the petitioner on **September 29, 2018**.

A88- A93

HH.Windsor Manor's first Notice of Lease Termination and Request to Vacate, mailed to the petitioner on October 27, 2018.

A94- A97

II.Exculpatory evidence, *not for evaluating behavior but as a sample of Discovery the Court deserved to see before deciding a case involving Contract Law, with claims over bad faith dealings.*

A 98- A105

Appendix
Pages:

JJ.Windsor Manor's Notice of Lease Termination and Request to Vacate, delivered to the petitioner's unit, nine days before a *Summons for Unlawful Detainer* was filed.

A106

KK.The petitioner's June 3, 2019 Settlement Proposal, offered as just one example of several attempts to resolve litigation without further financial drain on shareholders or the Courts.

A107-A112

LL.Windsor Manor's October 22, 2020 Notice of Lease Termination email, with the attached *Request to Vacate*.

A113-A114

MM.Windsor Manor's Counsel's January 9, 2021 email to the petitioner, denying her access to Unit C3 and to her own personal property therein: "On that date, the locks will be changed."

A115-A117

NN.The Bylaws of Windsor Manor, Inc.

A118-A121

OO.The proprietary Lease of Windsor Manor, Inc., a residential cooperative.

A122-A129

PP.Windsor Manor's 2005 Lease Addendum: Evidence of repeated attempts to bypass coded eviction procedures, in violation of Public Policy and Virginia Code, Title 8.2A. Commercial Code – Leases. Part 1. §8.2A-104. Leases subject to other law.

A130-A131

QQ.Rule 18 of Windsor Manor's February 1, 2016 House Rules and Regulations, regarding non-compliance with the Lease or with House Rules and Regulations.

A132-A136

RR.Association Complaint Procedures, adopted by Resolution of the Board of Directors of Windsor Manor, Inc. in 2014.

A137-A143

SS.Virginia Code, Title 8.01. Chapter 3. Article 13. Unlawful Entry and Detainer. §8.01-124. Motion for judgment in circuit court for unlawful entry or detainer.

A144

TR-1. TR-2. TR-3. TR-SCV. **Transcripts of Proceedings.**

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 13th day of July, 2020.

Jennifer C. Rundle,

Appellant,

against Record No. 191087
 Circuit Court No. CL19-2062

Windsor Manor, Inc.,

Appellee.

From the Circuit Court of the City of Norfolk

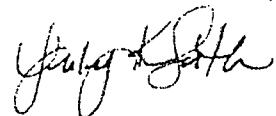
Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

The rule to show cause previously entered herein is discharged.

A Copy,

Teste:

Douglas B. Robelen, Clerk



By:

Deputy Clerk

Exhibit G

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 9th day of October, 2020.

Jennifer C. Rundle,

Appellant,

against Record No. 191087
 Circuit Court No. CL19-2062

Windsor Manor, Inc.,

Appellee.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on July 13, 2020 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

Exhibit H

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK
WINDSOR MANOR, INCORPORATED,

Plaintiff,

v.

Case No.: CL19-2062

JENNIFER C. RUNDLE,

Defendant.

ORDER

On this day, came the parties on the Defendant, Jennifer C. Rundle's Motion to Compel, and after reviewing the pleadings and hearing argument, the Court doth hereby ORDER, ADJUDGE and DECREE that the Motion to Compel is Denied.

SEEN &

Jerrald C. Jones, Judge

Barry Dorans (VSB #23472)
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452-1385
(757) 497-6633
dorans@wolriv.com
Counsel for Windsor Manor, Inc.

GEORGE E. SCHAEFER, CLERK
NORFOLK CIRCUIT COURT
LAW CLERK
Suzlyn Willis Deputy Clerk
Authorized to sign on behalf
of George E. Schaefer
Date 4-12-19

I object:
Our Jennifer Bunkle,

Page 1 of 2

Exhibit B

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK
WINDSOR MANOR, INCORPORATED,

Plaintiff,

v.

Case No.: CL19-2062

JENNIFER C. RUNDLE,

Defendant.

ORDER

On this day, came the parties on the Plaintiff, Windsor Manor, Incorporated's Summons for Unlawful Detainer, and after hearing evidence *ore tenus* and hearing argument, the Court doth hereby ORDER, ADJUDGE and DECREE as follows:

1. The Summons for Unlawful Detainer is granted.
2. Possession of 828 Gates Avenue, C3, Norfolk, VA 23517 is hereby granted in favor of Windsor Manor, Incorporated pursuant to Virginia Code § 8.01-128.
3. An immediate writ of possession is ordered pursuant to Virginia Code § 8.01-129.
4. Further, in the event the Defendant, Jennifer C. Rundle does not timely note *clerk of this* appeal, the Court is directed to deduct \$ 476.90 from the bond currently posted and provide that amount to the Plaintiff, Windsor Manor, Incorporated, c/o Barry Dorans, Wolcott Rivers Gates, 200 Bendix Road, Suite 300, Virginia Beach, VA 23452 and the remainder shall be returned to the Defendant, Jennifer C. Rundle.

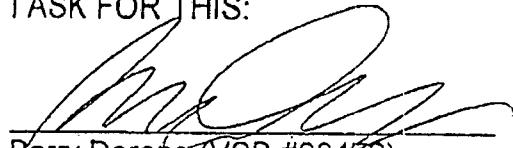
ENTER: 04.30.2019

James C. Hawks
Judge
James C. Hawks

COPY TESTE:
GEORGE E. SCHAEFER, CLERK
NORFOLK CIRCUIT COURT
Jedyn Willis, Deputy Clerk
Authorized to sign on behalf
of George E. Schaefer
4-30-19

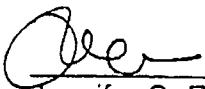
Exhibit C
(1 of 4)

I ASK FOR THIS:


Barry Dorans (VSB #23472)
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452-1385
(757) 497-6633
dorans@wolriv.com

Counsel for Windsor Manor, Incorporated

SEEN & Objected to


Jennifer C. Rundle

828 Gates Avenue, C3
Norfolk, VA 23517
Pro Se

L:\Document Directory\W\Windsor Manor Incorporated\Rundle, Jennifer C\Lease Termination\Order re Unlawful Detainer.docx

Exhibit C
(2 of 4)

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK
WINDSOR MANOR, INCORPORATED,

Plaintiff,

v.

Case No.: CL19-2062

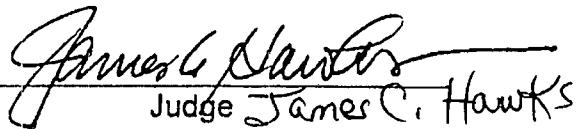
JENNIFER C. RUNDLE,

Defendant.

ORDER

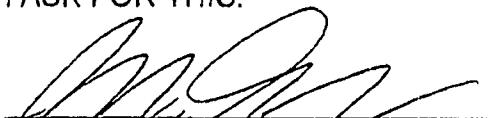
On this day, came the parties on the Plaintiff, Windsor Manor, Incorporated's Summons for Unlawful Detainer, and after hearing evidence *ore tenus* and hearing argument, the Court doth hereby ORDER, ADJUDGE and DECREE that pursuant to Virginia Code § 8.01-676.1, should Defendant, Jennifer C. Rundle desire to stay execution of the judgment, the Defendant, Jennifer C. Rundle shall post a suspending bond or irrevocable letter of credit in the amount of \$5,245.90. This shall be in addition to the bond previously posted which was for a period of 6 months.

ENTER: 04.30.2019



Judge James C. Hawks

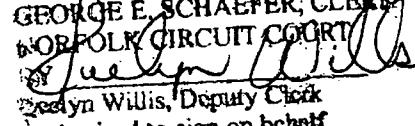
I ASK FOR THIS:



Barry Dorans (VSB #23472)
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452-1385
(757) 497-6633

dorans@wolriv.com

Counsel for Windsor Manor, Incorporated

COPY TESTE:
GEORGE E. SCHAEFER, CLERK
NORFOLK CIRCUIT COURT
BY 
Evelyn Willis, Deputy Clerk
authorized to sign on behalf
of George E. Schaefer
Date: 4-30-19

SEEN & Objected



Jennifer C. Rundle
828 Gates Avenue, C3
Norfolk, VA 23517
Pro Se

L:\Document Directory\WWindsor Manor Incorporated\Rundle, Jennifer C\Lease Termination\Order re Bond.docx

**Additional material
from this filing is
available in the
Clerk's Office.**