

EXHIBIT O

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

JAMES J. DRURY III, as agent of the)	
Peggy D. Drury Declaration of Trust U/A/D)	
02/04/00, Jack E. Reich and)	
James T. O'Donnell,)	
)	
Plaintiffs,)	
)	15 CH 3461
-v-)	
)	
VILLAGE OF BARRINGTON HILLS,)	
an Illinois Municipal Corporation,)	
)	
Defendants.)	

AFFIDAVIT OF JAMES J DRURY III

I, James J. Drury, III "Affiant" being first duly sworn under oath state as follows:

1. I reside at 7 Deepwood Road in the Village of Barrington Hills, Illinois. ("Drury Property") with my wife, Peggy.
2. Peggy and I have resided on the Property with my family since 1988.
3. The Property adjoins the property owned by Benjamin LeCompte at 350 Bateman Road which is used for a large scale commercial horse boarding operation. ("LeCompte Property")
4. The diagram attached as Drury Exhibit A identifies the Drury Property and the LeCompte Property.
5. On information and belief the LeCompte Property is developed with a 30,000 square-foot horse barn containing 45 or more horses not owned by LeCompte whose owners pay monthly rent to LeCompte. The LeCompte Property has on it horse trailers, manure trucks, and unimproved customer parking lots and vehicles. Photographs of the barn, and the equipment scattered throughout the yard are attached as Dury Exhibit B.
6. The LeCompte Property used for the large scale commercial horse boarding operation is separated from the Drury Property by a narrow private road known as Deepwood Road.
7. Deepwood Road is a private easement that accesses residences lying along it and which is the exclusive method of access. The location of Deepwood Road is depicted on Dury Exhibit C.
8. Boarders at the large scale commercial horse boarding operation access the LeCompte Property via Deepwood Road.

9. Benjamin LeCompte does not access the residence on his property from Deepwood Road but instead from Bateman Road. The commercial boarding operation is physically positioned on the LeCompte Property in such a manner as to be totally invisible to the LeCompte home site, and totally visible to the adjoining residents.

10. On information and belief beginning in approximately 2005 Benjamin LeCompte began illegally boarding 20 to 30 horses on the LeCompte Property and it was reported to me that he was planning on constructing a 58 stall breeding and boarding operation.

11. Later in 2005 LeCompte applied for and was granted a permit to build Barn 1. Barn 1 was shown on the plans as attached to the riding arena. Because the building was constructed as an attached building to the riding arena, LeCompte was required to request a variance as it involved further expansion of an existing building located in violation of the setback line.

12. LeCompte subverted the process by representing the intended use as a "horse barn," not a "commercial horse boarding barn".

13. Darrel Einhorn, the Village Building Officer for many years, was leaving his post and during the transition, some important steps in the process fell through the cracks. No Village staff members inspected the LeCompte Property during or after construction to observe that it was actually an attached building and to observe the true scale, purpose, and actual condition of the newly constructed structure.

14. No Village staff member required LeCompte to execute an affidavit affirming under oath that a barn of such large size, would never be used for commercial horse boarding.

15. In the summer of 2006 LeCompte applied for and was granted a permit to build Barn 2. Although clearly attached to the riding arena (and in violation of the setback) LeCompte did not submit a request for a variance as legally required. Again, Village staff did not inspect after construction.

16. In October 2006 the hay barn next to Deepwood Road ignited due to irresponsibly stacked hay, causing spontaneous combustion resulting in a 4-alarm fire, and scattering burning hay and debris all over the adjoining neighbors' property including the Drury Property. After repeated requests, LeCompte finally cleared the Drury Property of debris two months later.

17. In the Spring of 2007 LeCompte applied for and received a permit to build a much larger barn on same spot. The new barn is twice the size of the original and encroaches into the 100' setback area. This is the 30,000 square foot barn on the LeCompte Property which is depicted on Dury Exhibit D.

18. Upon information and belief LeCompte began using this barn and others for commercial horse boarding.

19. In June of 2007 LeCompte submitted a permit request for Barn 3, to be attached to riding arena enlarging the entire boarding complex to approximately 100 stalls. As the original riding arena is within the 100' setback, a variance was required but a request was not filed.

20. In July of 2007 a Village Trustee learned of the violations, investigated them and initiated an effort to secure compliance from LeCompte which resulted in the cease and desist order in January of 2008.

21. The peaceful and quiet enjoyment of my home has been substantially and irreversibly injured as a result of the construction of the 30,000 square-foot horse barn containing 45 or more horses and the maintenance on the LeCompte property of horse trailers, manure trucks, unimproved customer parking lots and vehicles and manure piles. I regularly experience the sound of machinery starting up first thing in the morning, excessive light and glare at night and the smells from manure piles and the dust kicked up at the site all day long including on weekends from the commercial horse boarding operations.

22. The LeCompte Property was once a quiet corner property with a quaint farm cottage and a few odd buildings. It is now a busy bustling commercial business site, creating excessive traffic, offensive light, a disorderly and unsightly appearance, and safety and neighborhood security concerns, with an open invitation to strangers to come into our residential neighborhood at any time of the day. My property values have been substantially negatively impacted. Horse boarding is very disruptive in nature. The noise, odor, light and dust as well as the unsightliness of trucks, trailers coming and going throughout the day adversely affect the value of the Drury Property.

23. The peaceful and quiet enjoyment of my home has been substantially and irreversibly injured as a result of the large number of people who access the LeCompte Property via Deepwood Road creating traffic and noise and light from the vehicles where none existed before the establishment of the commercial horse boarding operations. With the substantial increase in people using Deepwood Road the risks to my family's security has increased.

24. My family's privacy and security have been invaded as a result of the large number of vehicles and people who access the LeCompte Property via Deepwood Road. Deepwood Road has become a public thoroughfare for those customers of the commercial horse boarding operations. Because of these operations, Deepwood Road is handling higher vehicular and pedestrian traffic than is typical of residences in other neighborhoods where commercial horse boarding is regulated as a home occupation.

25. The diagram attached as Drury Exhibit C depicts the proximity of the horse barn and the commercial horse boarding operations to the Drury Property. Because the horse barn and the commercial horse boarding operations were constructed without regard to setbacks, floor area ratio restrictions and limits on the size of an accessory structure applicable to all other properties in the Village the Drury Property has endured deleterious impacts from the noise, the odors, the light and the dust emanating from the operations of a large scale commercial horse boarding operation from early in the morning until late at night.

26. Because Benjamin LeCompte has refused to install any berm, landscaping or opaque fencing the operations are in plain view from the Drury Property and there is nothing to prevent the noise, light, odors and dust from the operations on the LeCompte Property from impacting the Drury Property.

27. In 2010, I installed on my property along Deepwood Road a berm with heavy landscaping in an attempt to mitigate the damages to the peaceful and quiet enjoyment of my

home from the unsightliness the noise, the light, the odors and the dust emitted from the operations at the LeCompte Property. The berm cost approximately \$250,000.00.

28. Despite installing the berm the Drury property continues to experience the noise, odors, light and dust from the operations at the LeCompte Property.

29. The costs of maintaining and repairing Deepwood Road fall upon the owners of the properties lying along it. The operations on LeCompte's Property and the traffic accessing those operations using Deepwood Road have a disproportionate impact on the condition of Deepwood Road. Since commercial horse boarding was established on the LeCompte Property potholes like those depicted in Drury Exhibit E are much more frequent. All of the property owners along Deepwood Road maintain that portion of the road adjacent to their property. Benjamin LeCompte has refused to maintain that portion of Deepwood Road that runs adjacent to the LeCompte Property. In my opinion this increase in the deterioration of Deepwood Road is attributable to the traffic generated by the commercial horse boarding operations.

30. The operations at the LeCompte Property have substantially reduced the value of the Drury Property and the ability to sell it. As the photos attached as Drury Exhibit B demonstrate the horse barn and the operations at the LeCompte Property dominate one's view when accessing the Drury Property from the Bateman end of Deepwood Road. The commercial horse boarding operations are clearly apparent to one driving down Deepwood Road and from the Drury Property. The commercial horse boarding operations on the LeCompte Property are in shabby condition and poorly maintained. The LeCompte Property is not maintained consistent with the standards of the adjacent residential properties. The Drury Property will be harder to sell, take longer to sell and will sell at a substantially reduced price because of the operations conducted on the LeCompte Property

31. For all the reasons set forth above, the commercial horse boarding operation on the LeCompte property has changed the essential residential character of the neighborhood for which I live.

32. Peggy and I have lived with this structure, the commercial horse boarding operations, and the deleterious effects that have been adverse to the Drury Property since 2005 (over 11 years) for as long as 14 hours per day even though two appellate courts have heard and considered this operation and found in the first case that LeCompte was in violation of the Village Zoning Ordinance and the other appellate court has found that my complaint states a cause of action under the adjacent property owners act (65 ILCS 5-11-13)

Further, affiant sayeth naught,

James J. Drury, III

Signed and sworn before me this
25th Day of May, 2016

Notary Public

DRURY EXHIBIT A

DRURY PROPERTY

EXHIBIT XX-1

LeCompte Property



DRURY EXHIBIT B





















DRURY EXHIBIT C

DRURY EXHIBIT D

Oakwood Farms - view from East

OAKWOOD FARMS

DEEPWOOD ROAD



BATEMAN ROAD

DEEPWOOD ROAD ENTRANCE

DRURY EXHIBIT E





