

This document constitutes a ruling of the court and should be treated as such.

Court Authorizer
Comments:

Granted March 1, 2010. Plaintiffs shall schedule preliminary injunction hearing.



**GRANTED
WITH
COMMENTS**

The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

**Stephen Groome
District Court Judge**

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, PARK COUNTY, COLORADO

300 Fourth Street
Fairplay, Colorado 80440

Plaintiffs: ELK FALLS PROPERTY OWNERS ASSOCIATION, a Colorado nonprofit corporation, KATHRYN WELLS, PAUL VASTOLA, and ROBERT W. PHELPS

v.

Defendants: VERA B. DUNWODY and DRAYTON D. DUNWODY

Frederick B. Skillern, #7983
Nathan G. Osborn, #38951
MONTGOMERY LITTLE SORAN & MURRAY, P.C.
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Case Number:

Div:

TEMPORARY RESTRAINING ORDER

THE COURT has reviewed the Complaint, Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, the supporting Affidavit and its accompanying exhibits, and being so advised in the case, enters the following findings and order:

THE COURT FINDS:

1. The Court has jurisdiction, the Plaintiffs having filed a Complaint and supporting Motion and Affidavit on February 26, 2010.
2. Notice has been given to Defendants, through their attorney Victor Boog, Reg. No. 2561, 303-986-5769.
3. If this motion were not granted, Plaintiffs would suffer harm due to the lack of ready access to their homes over roads which have used continually for that purpose for more than 40 years.
4. This injury would be immediate and irreparable because the rights claimed to be enforced are easement rights and other property rights owned by the Plaintiffs.

THEREFORE, it is ordered that:

1. Defendants Vera B. Dunwody and Drayton D. Dunwody, their officers, agents, contractors, servants, employees, and attorneys, and those persons acting in concert with them who received actual Notice of this Order are restrained from placing obstructions in any road or right of way identified in the subdivision plat for Block 1, Block 2 and Block 3 of Elk Falls. This includes South Elk Creek Road, any portion of that road which lies in Park County, which is occasionally identified as Jenson Road, Juniper Road, or County Road 1184. Defendants are restrained from placing boulders, poles, fences or obstacles of any kind across these roads or in any other way attempt to restrain and impede use of these roads by residents, guests, and invitees of the Elk Falls Subdivision. Defendants are ordered to remove existing boulders and obstructions from these roads immediately.

This Order is entered on February ____, 2010 at _____ .m., and shall expire within ten (10) days unless within that time it is extended for good cause shown.

2. Defendants may appear and move for dissolution or modification of this Order on three days' notice to Plaintiffs, pursuant to C.R.C.P. 65(c), Plaintiffs are ordered to deposit with the Clerk of this Court security in the amount of \$1,000 for the payment of such costs and damages as may be suffered by any party later found to have been unlawfully restrained.

DONE this _____ day of _____, 2010.

BY THE COURT:

District Court Judge