



4. Under the terms of the Divorce Decree, I was awarded the exclusive use, possession and control of the home and real property.

5. Both during and subsequent to the marriage, there have been incidences of domestic violence. The Respondent was convicted of criminal mischief for damaging and destroying my property in the home.

6. I have learned that while I have been hospitalized the Respondent has occupied the home.

7. I have significant and valuable property stored in the home including memorabilia, furniture, electronics, a functional model train collection and thousands of dollars worth of other personal property.

8. Subsequent to our divorce, some of the Respondent's personal property has remained in the home and she is entitled to have that personal property.

9. During the holiday weekend of February 12-15, my attorney had text contact with the Respondent in which, at my direction, he revoked any and all powers of attorney which I have granted to the Respondent, requested that she not go to my home and requesting that she prepare a list of personal properties which she would like to have from the home.

10. As of today, Thursday, February 18, 2010, I am advised that she is occupying the home.

11. I believe her occupancy of the home is wrongful and she is trespassing.

12. More importantly, I am concerned that irreplaceable memorabilia, irreplaceable model trains, irreplaceable items of personal property will be stolen, damaged or destroyed.

13. Respondent has shown a tendency to damage, destroy and steal my property and I believe she will continue to do so in my absence and while she is trespassing in my home.

14. I believe that if she given any warning of this pending order to require her to immediately vacate the home, she will cause more damage and destroy more irreplaceable memorabilia, documents, personal papers, and other such valuables. I would therefore ask the Court to issue this order ex parte requiring her removal from the home and restraining her from going upon the premises of my home under any circumstances and further requesting that at the time of the anticipated service of this temporary restraining order upon her that she be allowed in the company of the police to remove any essential personal living things such as clothes, cosmetics, etc., but no other property be removed from the home; that she be required to further prepare a list of personal property that she would like from the home and subject to my approval, I will accommodate her removal of that property.

15. I am presently hospitalized and cannot do this for myself and am therefore giving my attorney Randy S. Kester authority to pursue this Order.

DATED this 19 day of February, 2010.

  
\_\_\_\_\_  
GARY COLEMAN

RANDY S. KESTER (#4357)  
YOUNG, KESTER & PETRO  
Attorneys for Petitioner



IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

JOHN DOE,	)	EX PARTE TEMPORARY
	)	RESTRAINING ORDER
Petitioner,	)	
	)	<b><u>FILED UNDER SEAL</u></b>
vs.	)	
	)	Case No. 084401702
JANE DOE,	)	Division: <i>Patton</i>
	)	Judge Samuel McVey
Respondent.	)	

TO THE ABOVE NAMED RESPONDENT: SHANNON PRICE

The above-entitled matter came on for Ex Parte hearing before the Honorable Judge McVey of the above-entitled Court without prior notice to Respondent on this 19 day of February, 2010. The hearing was heard ex parte and without notice to Respondent as a result of the exigent circumstances prevailing as set forth in Petitioner's Affidavit and pleadings, including the potential for harm to occur should the Respondent have notice of these proceedings thus giving her an opportunity to access the properties before the Order can issue and be served. Based thereon, which are before the Court accordingly has heard and shall issue this order ex parte.

On the basis of the Petitioner's Affidavit, attachments and other pleadings on file and representations to the Court, the Court being fully apprised in the premises, and finding it probable

that Petitioner will suffer immediate and irreparable harm to his health and should the Court not issue this order ex parte, hereby enters the following:

RESTRAINING ORDER

1. The Respondent is restrained from contacting the Petitioner in any fashion, directly or thru others except Petitioner's counsel and from contacting personally or thru others or coming upon the premises of any healthcare facility in which Petitioner is confined.

2. The Respondent is restrained from entering or coming upon the premises of Petitioner's home except with a member of law enforcement at a pre-arranged time, to retrieve her personal belongings. As to those belongings, Respondent shall make a list of her personal belongings which are still in the home. Petitioner or his agents shall make those items available. If Petitioner disputes any such items, they shall remain in the home until further order of the Court.

3. The Respondent is restrained from encumbering, selling, gifting, dissipating or otherwise adversely affecting the assets and property of the Petitioner.

4. This matter is set for further hearing before Judge R Patton on the 2 day of March, 2010 at 9:00 A.m.

5. This Restraining Order is entered this 19 day of February, 2010 at 1430 p.m. and shall continue until the 2 day of March, 2010 at 9:00 A.m.

SIGNED and DATED this 19 day of February, 2010.

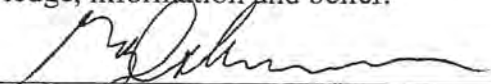
BY THE COURT:

[Signature]  
DISTRICT COURT JUDGE

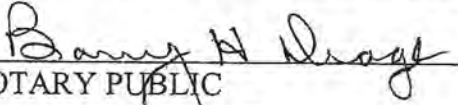


STATE OF UTAH            )  
  ) ss.  
COUNTY OF UTAH        )

Gary Coleman, being first duly sworn upon this oath, deposes and says that he is the Petitioner in the above-entitled action; that he has read the foregoing and understands the contents thereof, and the same is true of his own knowledge, information and belief.

  
\_\_\_\_\_  
GARY COLEMAN

SUBSCRIBED AND SWORN to before me this 19 day of February, 2010.

  
\_\_\_\_\_  
NOTARY PUBLIC

 **BARRY H. DRAGE**  
NOTARY PUBLIC-STATE OF UTAH  
674 EAST 400 NORTH  
SPANISH FORK, UT 84660  
COMM. EXP. 07-10-2010

