



Charges, Request for Class Certification and Designation of Class Representative and Class Counsel, Petition for Dissolution, and Suit for Injunctive Relief against Defendant Montrose Management District (hereinafter “MMD” or the “District”), and also against Defendants Claude Wynn, Chairman, Position 1; Tammi Wallace, Position 2; Randy Mitchmore, Vice Chairman, Position 3; Lane Llewellyn, Secretary, Position 5; Robert Jara, Position 6; Ryan Haley, Position 7; Stephen L. Madden, Position 8; Kathy Hubbard, Treasurer, Position 9; Michael Grover, Position 10; Ellyn Wulfe, Position 11; Brad Nagar, Assistant Secretary, Position 12; and Todd Edwards, Position 14 (these Defendants will be collectively referred to herein as the “Ultra Vires Board Defendants,” and are sued solely in their respective official capacities).

As part of that live pleading, Plaintiff now seeks, in a sworn application for injunctive relief, an emergency temporary restraining order. After careful review of the live pleading, the Court finds that Plaintiff has plead a valid cause of action against each of the Ultra Vires Board Defendants, a probable right to the relief sought, and a probable, immediate, and irreparable injury in the interim, entitling Plaintiff to a temporary restraining order in this matter. The Court also finds that Plaintiff is likely to prevail on the merits, and that a temporary restraining order is necessary in order to avoid irreparable harm.

In particular, Plaintiff has averred that this past Friday, December 8, 2017, Defendant Montrose Management District posted a notice that its Board of Directors is going to meet this morning at 11:30a.m., which is Monday, December 11, 2017. The agenda for the meeting demonstrates that the Ultra Vires Board Defendants intend to continue to ignore the fact that a Sister Court has invalidated their Void Assessment Petition, and intend to continue to spend those assessments. The agenda for the meeting also demonstrates that the Ultra Vires Board Defendants intend to issue new assessments, both some of which derive from the previous Void Assessment Petition, and some of which do not. Accordingly, harm is imminent, and if the Court does not issue injunctive relief, Plaintiff will be immeasurably and irrevocably harmed without an adequate remedy at law in that:

(a) the Ultra Vires Board Defendants will, directly or indirectly, continue to spend the Additional Void MMD Assessments which have been collected or that will be received in the future but which have not yet been spent;

(b) the Ultra Vires Board Defendants will, directly or indirectly, continue to engage in enforcement or collection efforts to collect the Additional Void MMD Assessments which have been assessed but which have not yet been collected;

(c) the Ultra Vires Board Defendants will, directly or indirectly, continue to issue further assessments which derive their purported legal authority from the Void MMD Assessment Petition; and

(d) the Ultra Vires Board Defendants' will, directly or indirectly, continue issuing, collecting, and spending new or additional assessments, even if such new or additional assessments do not derive their purported legal authority from the Void MMD Assessment Petition, in violation of their mandatory and ministerial duty to dissolve.

Therefore, in order to preserve the last, actual, peaceable, non-contested status which preceded the pending controversy, this Court now issues this temporary restraining order against each of the Ultra Vires Defendants, namely, Claude Wynn, Chairman, Position 1; Tammi Wallace, Position 2; Randy Mitchmore, Vice Chairman, Position 3; Lane Llewellyn, Secretary, Position 5; Robert Jara, Position 6; Ryan Haley, Position 7; Stephen L. Madden, Position 8; Kathy Hubbard, Treasurer, Position 9; Michael Grover, Position 10; Ellyn Wulfe, Position 11; Brad Nagar, Assistant Secretary, Position 12; and Todd Edwards, Position 14, along with their respective officers, agents, servants, employees, representatives, assigns and/or any other person or entities acting on behalf of, or in concert or participation with, any of the Ultra Vires Board Defendants. Accordingly, each of the Ultra Vires Board Defendants are hereby restrained, temporarily, from doing any of the following:

(a) continuing to spend the Additional Void MMD Assessments which have been collected or that will be received in the future but which have not yet been spent;

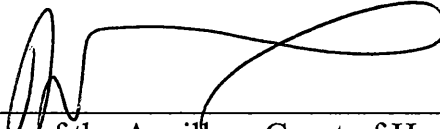
(b) continuing to engage in enforcement or collection efforts to collect the Additional Void MMD Assessments which have been assessed but which have not yet been collected;

(c) continuing to issue further assessments which derive their purported legal authority from the Void MMD Assessment Petition; and

(d) continuing to issue, collect, or spend new or additional assessments, even if such new or additional assessments do not derive their purported legal authority from the Void MMD Assessment Petition, in violation of their mandatory and ministerial duty to dissolve.

This temporary restraining order is entered and signed as of 11:06 a.m. on Monday, December 11, 2017. This temporary restraining order will expire on Monday, December 25, 2017, unless extended by agreement of the parties or by the Court. Plaintiff is ordered to post a cash bond in the amount of \$ 500.

A temporary injunction hearing is set on DEC. 22, 2017 @ 4:00 PM. before the 269<sup>th</sup> District Court, the Honorable Dan Hinde, Presiding.

Signed:   
Presiding Judge of the Ancillary Court of Harris County