

7-8-04

(6)

IN THE MATTER OF
THE MARRIAGE OF

AMELIA V. KELLY
AND
MARK E. KELLY

AND IN THE INTEREST OF
CLAUDIA HELEN KELLY AND
CLAIRE SOPHIA KELLY,
MINOR CHILDREN

CAUSE NO. 04FD17319

LATONIA D. WILSON
CLERK DISTRICT COURT
FILED IN THE DISTRICT COURT OF
JUL 08 2004
GALV. COUNTY, TEXAS
BY: *[Signature]*
Deputy

GALVESTON COUNTY, TEXAS

306TH JUDICIAL DISTRICT

CLERK
JUL 10 2004
NOTICE
GALVESTON COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDERS AND
ORDER SETTING HEARING FOR TEMPORARY ORDERS**

On this date the Court considered the application for temporary restraining order against Respondent, **MARK E. KELLY**.

The Court, having examined the pleadings of Petitioner, finds that Petitioner is entitled to a temporary injunction and that unless **MARK E. KELLY** is immediately restrained from the commission of the act(s) hereinafter prohibited, Respondent will commit such act(s) before notice of the hearing on temporary injunction can be served and a hearing had.

IT IS THEREFORE ORDERED that the Clerk of this Court issue a Temporary Restraining Order restraining Respondent, and Respondent is hereby immediately restrained from:

1. Communicating with Petitioner in person, by telephone, email, fax, or in writing in a vulgar, profane, obscene or indecent language, or threatening Petitioner in an unlawful manner, or in a coarse or offensive manner, and from annoying or alarming Petitioner;
2. Threatening Petitioner in person, by telephone, or in writing to take unlawful action against any person, intending by this action to annoy or alarm Petitioner;
3. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or

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without a legitimate purpose of communication and with the intent to annoy or alarm Petitioner;

4. Causing bodily injury to Petitioner, or the children;
5. Threatening Petitioner, or the children, with imminent bodily injury;
6. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of Petitioner and Respondent, or either of them, with intent to obstruct the authority of the Court;
7. Falsifying any writing or record relating to the property of either Petitioner and Respondent;
8. Misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount or location of any property of Petitioner and Respondent;
9. Damaging or destroying the tangible property of Petitioner and Respondent, including any document that represents or embodies anything of value;
10. Tampering with the tangible property of Petitioner and Respondent, including any document that represents or embodies anything of value, and causing pecuniary loss or substantial inconvenience to Petitioner;
11. Selling, transferring, assigning, mortgaging, encumbering or in any manner alienating any of the property of Petitioner and Respondent, whether personal or realty, and whether separate or community, except as specifically authorized by Order of this Court;
12. Incurring any indebtedness, other than (a) legal expenses in connection with this suit, (b) necessary living expenses, or (c) except as specifically authorized by Order of this Court;
13. Making withdrawals from any checking or savings account, in any financial institution for any purpose, except for necessary living expenses or as specifically authorized by Order of this Court;

14. Spending any sum of cash in Respondent's possession or subject to Respondent's control, for any purpose, except as specifically authorized by order of this Court;
15. Withdrawing or borrowing, in any manner, for any purpose, from any retirement, profit-sharing, (401k) plan, pension, death or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account;
16. Changing, canceling, altering, reducing, or in any other manner affecting any deduction and/or withdrawal for any retirement, profit-sharing, pension, 401(k) plan, savings plan, individual retirement account or Keogh account or other employee benefit plan, from Respondent's regular weekly and/or monthly earnings;
17. Entering any safe-deposit box in the name of or subject to the control of Petitioner or Respondent, whether individually or jointly with others;
18. Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either Petitioner or Respondent or the minor children;
19. Changing or in any manner altering the beneficiary designation on any life insurance on the life of Petitioner or Respondent or their minor children;
20. Canceling, allowing the cancellation of, altering, or in any manner affecting any and all insurance policies insuring the property or persons of Petitioner and Respondent and their minor children, including but not limited to health, casualty, automobile and homeowners insurance policies;
21. Terminating or in any manner affecting the services of water, electricity, gas, telephone, cable television or other contractual services such as security, pest control, landscaping or yard maintenance at Petitioner's residence or withdrawing or attempting to withdraw any deposits for services in connection with such services;
22. Taking, opening or diverting mail addressed to Petitioner;
23. Signing or endorsing Petitioner's name on any negotiable instrument, check or draft, including, but not limited to, tax

refunds, insurance payments and dividends, or attempting to negotiate any negotiable instrument payable to the Petitioner without the personal signature of Petitioner;

24. Taking any action to terminate or limit credit on charge cards in the name of Petitioner;
25. Entering, operating or exercising control over the vehicle in the possession of Petitioner;
26. Instituting any action in any other county, state or nation to obtain or attempt to obtain temporary or permanent orders concerning the marriage relationship of Petitioner and Respondent, the dissolution of that relationship, the conservatorship, custody and support of the children of Petitioner and Respondent;
27. Destroying, disposing of, or altering any financial records of the parties, including but not limited to records from financial institutions (including canceled checks and deposit slips), all records of credit purchases or cash advances, tax returns, and financial statements;
28. Destroying, disposing of, or altering any e-mail or other electronic data, whether stored on a hard drive or on a diskette or other electronic storage device.
29. Disturbing the peace of the children named herein;
30. Removing the children named herein beyond the jurisdiction of the Court, acting directly or in concert with others;
31. Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled;
32. Hiding or secreting the children from Petitioner or changing the children's current place of abode.

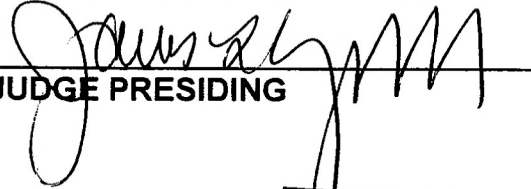
This Restraining Order is effective immediately and shall continue in force and effect until further order of this Court or until it expires by operation of law. This Order shall be binding on Respondent; on Respondent's agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is hereby waived.

IT IS FURTHER ORDERED that the Clerk of the Court shall issue notice to Respondent, **MARK E. KELLY**, and the Respondent, **MARK E. KELLY**, is hereby ORDERED to appear at a hearing before this Court in the Courthouse at 722 Moody, Galveston, Texas, on the 26 day of JULY, 2004, at 9:00 o'clock a.m. The hearing is to determine whether, during the pendency of this case:

1. The preceding Temporary Restraining Order against Respondent should be made a temporary injunction pending final hearing hereon; and
2. Petitioner should be awarded the exclusive use and possession of Petitioner's residence, furniture, furnishings and personal effects during the pendency of this suit; and
3. Petitioner should be awarded the exclusive use and control of Petitioner's vehicle and Respondent should be enjoined from entering, operating or exercising control over said automobile; and
4. Petitioner should be appointed temporary sole managing conservator of the children or joint managing conservator with the exclusive right to determine the primary residence of the children; and
5. Respondent should be ordered to pay child support, health insurance premiums for the children and the children's uninsured medical expenses while this case is pending during the pendency of this suit;
6. Respondent should be ordered to pay interim attorney's fees plus anticipated expenses, including but not limited to fees for appraisals, accounts, and actuaries; and
7. Respondent should be ordered to make payments for the support of Petitioner until a final decree is signed; and
8. Respondent should be ordered to pay reasonable charges made by Petitioner on Petitioner's and Respondent's credit accounts; and
9. Respondent should be ordered to participate in an Alternate Dispute Resolution process before trial of this matter; and

11. Respondent should be ordered to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure; and
12. The Court should make such other and further orders respecting the property and Petitioner and Respondent as pleaded for or as may be deemed necessary and equitable and for the safety and welfare of the children.

SIGNED this 8 day of July, 2004, at _____ o'clock ____m.



JUDGE PRESIDING

LATONIA D. WILSON
CLERK DISTRICT COURT **Acting**
Belmont
JUL 08 2004

COUNTY, TEXAS
BY *[Signature]*
Deputy