

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

COLONIAL PRESBYTERIAN CHURCH)
)
 Plaintiff,)
)
 v.)
)
 HEARTLAND PRESBYTERY)
)
 Defendant.)

Case Number: 10 CV 7429
Court Number: 3
K.S.A. Chapter 60

EX PARTE RESTRAINING ORDER

Now on this 8th day of August, 2010, Plaintiff's Application for Restraining Order comes before the Court for hearing. Plaintiff appears by and through counsel, J. Brett Milbourn of Walters, Bender, Strohbahn & Vaughan, P.C. and Ryan Terril of Terril Law Firm, LLC.

The Court having reviewed the *Verified Petition* of The Colonial Presbyterian Church ("Colonial"), along with the exhibits attached; having reviewed the Memorandum and authorities filed in support of the *Application for Restraining Order*; having heard the statements of counsel; and being otherwise informed regarding the merits and the law with respect to these matters, finds that the Plaintiff has met the preliminary requirements for the issuance of a Restraining Order, pursuant to K.S.A. § 60-903. Good cause having been shown.

IT IS ORDERED that Defendant Heartland Presbytery, as well as each of its members, officers, agents, servants, employees, attorneys, and persons acting in concert with it, including but not limited to Defendant Heartland's "Administrative Commission," is hereby restrained from:

1. exercising any purported power to interfere, dissolve, or assume jurisdiction over Colonial and The Colonial Church, including its Session and corporate trustees, or interfere in

CLERK OF DISTRICT COURT
JOHNSON COUNTY, KS
2010 AUG 18 PM 4: 35
RB

any way with Colonial's administration and operation, including its rights and responsibilities to its congregation, and its right to meet and conduct corporate and congregation business;

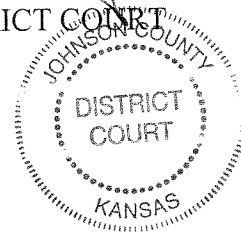
2. accessing Colonial Church's records, including membership rolls, corporate minutes, financial records, membership directories, other corporate records, and materials distributed for congregational information;

3. taking any action that would interfere with or place a cloud over the title on the Colonial Property as described in the *Verified Petition for Declaratory and Injunctive Relief and to Quiet Title*, or with Colonial's rights to the personal property thereon and all funds and other assets deposited with any financial institution titled in the name of Colonial.

This Restraining Order shall remain in effect until modified or superseded by further order of this Court.



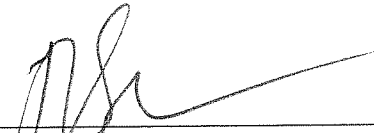
JUDGE OF THE DISTRICT COURT



Dated this 18th day of AUGUST, 2010.


Submitted by:

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By 

J. Brett Milbourn, KS Bar #12743
Eric M. Shimamoto, KS Bar #23335
2500 City Center Square
1100 Main Street
P.O. Box 26188
Kansas City, MO 64196
(816) 421-6620
(816) 421-4747 (Facsimile)
bmilbourn@wbsvlaw.com
eshimamoto@wbsvlaw.com

TERRIL LAW FIRM, LLC

By 

Ryan G. Terril, KS Bar #16412
5600 N. Antioch Rd.
Kansas City, MO 64119
(816) 455-7600
(816) 452-2079 (Facsimile)
ryan@terrilaw.com

ATTORNEYS FOR PLAINTIFF
COLONIAL PRESBYTERIAN CHURCH, INC.