

ELECTRONICALLY FILED
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CLERK OF THE KIOWA COUNTY DISTRICT COURT
CASE NUMBER: KW-2024-CV-000012
PII COMPLIANT



Court: Kiowa County District Court
Case Number: KW-2024-CV-000012
Case Title: Kansas Department of Commerce vs. Mullinville
Community Foundation
Type: ORD: Temporary Temporary Restraining Order and
Notice of Hearing on Application for Temporary
Injunction

SO ORDERED,

Laura H. Lewis

/s/ Honorable Laura Lewis, District
Judge

KITE LAW FIRM LLC
808 W. McArtor Road, PO Box 22
Dodge City, Kansas 67801
aaron@kitelawfirm.com
620.371.5483

**IN THE SIXTEENTH JUDICIAL DISTRICT
DISTRICT COURT, KIOWA COUNTY, KANSAS**

KANSAS DEPARTMENT OF COMMERCE,

Plaintiff,

v.

MULLINVILLE COMMUNITY
FOUNDATION,

Defendant.

Case No. KW-2024-CV-000012

Proceedings Pursuant to K.S.A. Chapter 60

**TEMPORARY RESTRAINING ORDER AND
NOTICE OF HEARING ON
APPLICATION FOR TEMPORARY INJUNCTION**

NOW ON the date set forth above this matter came before the Court *ex parte*.

The plaintiff appeared by its attorney Aaron Kite.

WHEREUPON the Court, having reviewed the file and heard remarks of counsel finds as follows:

1. The Plaintiff has filed a Petition, Application for Temporary Restraining Order, and Supporting Affidavit requesting a Temporary Restraining Order and Temporary Injunction pursuant to K.S.A. 60-901 et seq.
2. The Plaintiff is likely to suffer irreparable damage unless a Temporary Restraining Order issues.
3. The Defendants are unlikely to suffer any damage as a result of this Temporary Restraining Order.

4. The Plaintiff's application for a temporary injunction should be set for hearing.

THEREFORE THE COURT ORDERS AS FOLLOWS:

I. The Haviland State Bank, located at 209 N. Main, Haviland, KS 67059, with a branch at 100 North Main, Mullinville, KS 67109, together with defendant Mullinville Community Foundation, and their officers, agents, servants, employees, attorneys, and contractors, are restrained from allowing withdrawal, payment, transfer, or other access of any funds in Account No. 10120254, and from expending any further funds, and directing the bank to reject or dishonor any check, instrument, or request for payment issued against, for, or upon such funds. pending further order of this Court.

II. This Temporary Restraining Order will remain in effect until this matter comes on for hearing before the Court on August 28, 2024 at 1:30 PM to determine whether a Temporary Injunction should be issued by the Court in this case. Defendants may present evidence at that time in support of dissolution of these orders. Otherwise, this order shall remain in full force and effect.

III. This order shall be served upon the Defendants in the manner prescribed for **personal service** of a summons.

IT IS SO ORDERED.

SUBMITTED AND APPROVED:

KITE LAW FIRM LLC
808 W. McArtor, P.O. Box 22
Dodge City, Kansas 67801
620.371.5483

/s/ Aaron Kite

Aaron Kite #18765

RETURN OF SERVICE

I hereby certify that I served a copy of the **Petition, Application** and the **Temporary Restraining Order** on (check box)

_____ Haviland State Bank, 209 N. Main, Haviland, KS 67059;

and

_____ Mullinville Community Foundation, c/o Nina Liggett, President;
15512 7th Ave., Mullinville, KS 67109

in the following manner (initial in the appropriate blank):

_____(1) **Personal Service** - on the ___ day of _____, 20___,
_____ .m. central standard time, by delivering or offering to
deliver such documents to the above-named person at

_____;

_____(2) **Residence Service** - on the ___ day of _____, 20___, at
_____ .m., central standard time, by leaving such documents at the
dwelling house or usual place of abode of the above-named person, with
some person of suitable age and discretion residing therein, at

_____;

_____(3) **Residence Service** - on the ___ day of _____, 20___, at
_____ .m., central standard time, by leaving such documents at the
dwelling house or usual place of abode of the above-named person and
mailing to that person by first-class mail a notice that such documents
have been left at such house or place of abode, such address being

_____;

____(4) **Return Receipt Delivery** - by causing to be delivered on the ____ day of _____, 20____, such documents by return receipt delivery to the above-named person at the following address:

with delivery being made by the following person or entity:

Attached hereto is a copy of the return receipt evidencing such delivery.

____(5) **Return Receipt Delivery Refused** - by mailing on the _____ day of _____, 20____, such documents by first-class, postage prepaid, to the above-named person at the following address:

____(6) **No Service.** The above-named person was not served for the following reason(s):

Notary Signature

SEAL:

Service by a Person other than a Law Enforcement Officer in Kansas

Affidavit of Service

STATE OF KANSAS)
) ss.
COUNTY OF _____)

I, _____, swear or affirm that the foregoing
Return of Service of _____ is true and correct.

Executed on _____, 20__.

Process Server Signature: _____

Server Name (print please): _____

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Signature

SEAL: