

ccc

A
L
A
S
K
A

2010-061303-0

Recording Dist: 301 - Anchorage

11/17/2010 12:19 PM Pages: 1 of 4



Recorded in the Anchorage Recording District

Permanent Restraining Order
Kaylor v McCarrey
Case No. 3AN-10-7799 Civil

J&C File Number 7570-2

**THIS COVER SHEET HAS BEEN ADDED TO
THIS DOCUMENT BY JONES & COLVER, LLC
TO PROVIDE SPACE FOR RECORDING DATA.**

**THIS COVER SHEET APPEARS AS THE FIRST PAGE
OF THE DOCUMENT IN THE OFFICIAL PUBLIC
RECORD.**

DO NOT DETACH.

AFTER RECORDING RETURN TO:

Calvin R. Jones
Jones & Colver, LLC
3201 "C" Street, Suite 203
Anchorage AK 99503

Calvin R. Jones
Jones & Colver, LLC
3201 "C" Street, Suite 203
Anchorage AK 99503

Attorney for Plaintiffs

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

RONALD KAYLOR and)
JEAN K. KAYLOR,)
)
Plaintiffs,)
)
vs.)
)
DAVID McCARREY and)
DONNA McCARREY,)
)
Defendants.)

Case Number 3AN-10-7799 Civil

JJ **PERMANENT RESTRAINING ORDER**

Plaintiffs, Ronald Kaylor and Jean K. Kaylor, ("Kaylors"), in the above entitled action filed a complaint requesting an injunction against defendants, David McCarrey and Donna McCarrey ("McCarreys") **requiring the McCarreys to refrain from placing a fence or in any other manner restricting the use of a public right of way on the north 50 feet of the McCarreys property, Lot 14,** ~~and similar easements on other lots 13 and 15 through 20 of Olson Heights Subdivision, Block Two (2),~~ which has been set aside for a roadway and public utilities, said right-of-way being designated by the Municipality of Anchorage as East 136th Avenue.

Kaylor v McCarrey, Case No. 3AN-10-7799 CI
Permanent Restraining Order
J&C File No. 7570-2 pjb 08-27-10



2 of 4
2010-061303-01

Jones & Colver, LLC
 3201 "C" Street, Suite 203
 Anchorage AK 99503
 (907) 272-6511 FAX: (907) 276-6511
 AUG 3 2010

Jones & Colver, LLC
3201 "C" Street, Suite 203
Anchorage AK 99503
(907) 272-6511 FAX: (907) 276-6511

At a hearing on the matter, the court found that as a matter of law, the Kaylors are entitled to an injunction permanently preventing the McCarreys from limiting their access to their property by a gated fence. The court, by its judgment duly given and orally entered on August 5, 2010, ordered, adjudged, and decreed that a permanent injunction be issued.

Therefore, inconsideration of that order, David McCarrey and Donna McCarrey, defendants, their agents and anyone acting under the control, authority or direction of defendants, and their successors or assigns to the property interest in the below described property, are strictly commanded to refrain and desist absolutely from limiting the access, including, but not limited to, ingress and egress from their lot described below, of the plaintiffs, their successors and assigns, guests, and invitees or the public at large, or interfering in any way with the use of the, known as East 136th Avenue which comprises the north 50 feet of defendant's property as described as follows:

Lot Seven (14), Block Two (2) OLSON HEIGHTS
SUBDIVISION, according to Plat No. 79-68,
Records of the Anchorage Recording District, Third
Judicial District, state of Alaska.

Such right of way benefitting the effective dominant property of the Kaylors particularly described as follows:

Lot Fourteen (7), Block Two (2) OLSON HEIGHTS
SUBDIVISION, according to Plat No. 79-68,
Records of the Anchorage Recording District, Third
Judicial District, State of Alaska.



Dated this 11th day of November, 2010.

[Signature]
Honorable Judge Suddock

CERTIFICATE OF MAILING

This is to certify that on the 30th day of August, 2010
a true and correct copy of the foregoing was
mailed to:

Brent R. Cole

[Signature]

Jones & Colver, LLC
3201 "C" Street, Suite 203
Anchorage AK 99503
(907) 272-6511 FAX: (907) 276-6511

I certify that on 11-12-10
A copy of the above was mailed to
each of the following at their addresses
of record: Cole, Brent
[Signature]
Judicial Assistant/Deputy Clerk

I hereby certify that this is a true and correct
copy of the original on file in my office.
ATTEST: [Signature] Clerk of the Trial Courts
By: [Signature] Deputy
Date: 11-16-10
THE STATE OF ALASKA
JUDICIAL DISTRICT