

STATE OF INDIANA) IN THE HENDRICKS SUPERIOR COURT 4
) SS: 2020 TERM
COUNTY OF HENDRICKS) CAUSE NO.: 32D04-2004-PL-60

PLAINFIELD CHRIST)
FELLOWSHIP INC.,)
)
Plaintiff,)

VS.)

JAY M. BRYANT,)
KENDRA A. BRYANT,)
MIDWEST FENCING LLC,)
CUSTOM FENCING LLP,)
)
Defendants,)

CLARENCE W. BELL,)
ERMA G. BELL, JOHN D. COLE,)
PATRICIA L. COLE,)
SAMUEL R. VIA IV,)
M. TAHIR AMAN-KHAN,)
AFSHEEN T. KAHN, DIANA S. VIA,)
QUALITY TITLE INSURANCE CO. INC.,)
FIRST AMERICAN TITLE INSURANCE)
COMPANY, BOARD OF COMMISSIONERS)
OF THE COUNTY OF HENDRICKS,)
DEPARTMENT OF NATURAL)
RESOURCES OF INDIANA,)
)
Cross-Claim Defendants.)

**ORDER GRANTING PRELIMINARY INJUNCTIVE RELIEF AND CHANGE
OF VENUE TO BOONE COUNTY**

This matter is before the Court on Plaintiff Plainfield Christ Fellowship Inc.'s (the "Church") request for preliminary injunctive relief and Defendants Jay and Kendra Bryants' motion for change of venue from Hendricks County.

1. On April 30, 2020, the Church filed its Verified Complaint for Injunctive Relief, Damages, and to Quiet Title to Real Estate (the "Complaint"). In the Complaint the Church requested a Temporary Restraining Order without notice.

2. On April 30, 2020, at 1:00 p.m., this Court entered a Temporary Restraining Order Prohibiting Construction of Fence and Further Destruction of Evidence without notice. The Order set this matter for a hearing with notice for May 8, 2020 at 9:30 a.m.

3. On April 30, 2020, the Church filed its Written Undertaking pursuant to this Court's Order.

4. On May 4, 2020, the Bryants appeared in this matter by counsel and filed the Answer of Jay M. Bryant and Kendra A. Bryant, to Plaintiff's Complaint and Counterclaim, Crossclaim, Affirmative Defenses, and Request for Trial by Jury.

5. The Bryants purport to assert crossclaims against several individuals and entities that were not parties to the original action, including the following: Clarence W. Bell, Erma G. Bell, John D. Cole, Patricia L. Cole, Samuel R. Via IV, M. Tahir Aman-Khan, Afsheen T. Kahn, Diana S. Via, Quality Title Insurance Co. Inc., First American Title Insurance Company, Board of Commissioners of Hendricks County, and the Indiana Department of Natural Resources.

6. On May 4, 2020, the Bryants also filed a Motion for Change of Venue from the County under Trial Rule 76 on the basis that the County is a party to the action.

7. On May 6, 2020, the Church filed a Preliminary Response to the Bryants' Motion for Change of Venue.

8. On May 6, 2020, the Church also filed Returns of Service showing that summonses, the Complaint and exhibits, and this Court's April 30, 2020 Order were served upon the original defendants to this matter: Jay Bryant, Kendra Bryant (who have each also appeared by counsel), Midwest Fencing LLC ("Midwest"), and Custom Fencing LLP ("Custom Fencing").

9. At the preliminary injunction hearing set for May 8, 2020 at 9:30 a.m. Plaintiff appears by counsel.

10. Neither Midwest nor Custom Fencing have appeared by counsel and both failed to appear for the hearing on Plaintiff's request for preliminary injunction.

11. The Bryants fail to appear in-person or by counsel, or otherwise oppose Plaintiff's request for preliminary injunctive relief.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, under Trial Rule 65(A), that Plaintiff Plainfield Christ Fellowship Inc.'s request for a Preliminary Injunction is GRANTED continuing the Court's previously issued April 30, 2020 Temporary Restraining Order Prohibiting Construction of Fence and Further Destruction of Evidence until further order of a court or upon agreement of the parties. This Court incorporates by reference its previous findings of fact and conclusions of law.

IT IS FURTHER ORDERED, that the Preliminary Injunction continuing the Court's previously-issued TRO is modified solely to allow the Bryants (not Midwest or Custom Fencing) to enter the disputed area between May 8, 2020 from 12:00 p.m. – 6:00 p.m. or May 9, 2020 from 9:00 a.m. until 12:00 p.m., for the sole purpose of

securing unfastened portions of the wiring of the newly constructed fence to the posts. No new wiring, fencing, or additional enclosing of the disputed area shall be permitted. The Bryants, by counsel, shall provide the Church, by counsel, with at least one hour advance notice prior to engaging in the work contemplated by this paragraph so that the Church may observe the work being performed by the Bryants to ensure compliance with this Order. On May 9, 2020 at 12:01 p.m. the modification of this paragraph dissolves automatically and the Preliminary Injunction continuing the April 30, 2020 Temporary Restraining Order Prohibiting Construction of Fence and Further Destruction of Evidence remains in full force and effect.

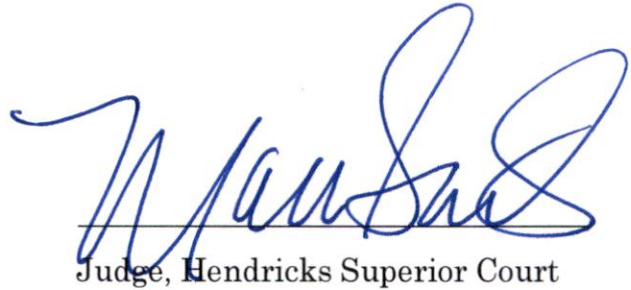
IT IS FURTHER ORDERED, that Plaintiff's original written undertaking, filed on April 30, 2020, is sufficient for purposes of entry of the Preliminary Injunction and that a second undertaking is not required. See Ind. Code § 34-26-1-10 ("When an injunction is granted upon the hearing, after a temporary restraining order, the plaintiff shall not be required to enter into a second written undertaking unless the original undertaking is considered insufficient.").

IT IS FURTHER ORDERED that this case shall be venued from Hendricks Superior Court No. 4 to Boone Superior Court No. 1.

IT IS FURTHER ORDERED that this case shall be TRANSFERRED to the Boone Superior Court No. 1 and that the Clerk of the Court shall promptly TRANSFER this case to the Boone Superior Court No. 1.

This ORDER is to be filed with the clerk and entered of record. SO

ENTERED this _____ day of _____, 2020.



Handwritten signature in blue ink, appearing to read "W. Herschberger".

Judge, Hendricks Superior Court

5-8-20

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