

FILED  
COURT CLERK  
McClain County, Oklahoma  
JUL 29 1999

THE CITY OF PURCELL, a municipal corporation,

Plaintiff,

vs.

JOHN MANTOOTH and ROBIN MANTOOTH, husband and wife,

Defendants.

Docket in Journal \_\_\_\_\_ Page \_\_\_\_\_ on Page \_\_\_\_\_ Recorded \_\_\_\_\_  
Case No. CV-99-  
Court Clerk  
276

**PETITION FOR TEMPORARY RESTRAINING ORDER,  
TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

COMES NOW, the Plaintiff, the City of Purcell, a municipal corporation, ("Purcell") and for its cause of action against the Defendants, alleges and states as follows:

1. Purcell is a municipal corporation validly organized and existing under and by virtue of the laws of the State of Oklahoma. Its principal place of business is located in Purcell, McClain County, Oklahoma. It is a Charter City.
2. The above named Defendants are citizens, residents and property owners in the City of Purcell, McClain County, Oklahoma, and own the following described real property, to-wit:
 

See Attached Exhibit "A"
3. That the real estate owned by and in possession of the Defendants is currently zoned Single Family Residential (R-2). The purpose for single family residential pursuant to Sections 12-240 of the Purcell City Code is as follows:

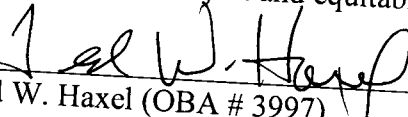
“This district is intended to provide minimum standards for predominantly single-family residential development located within the city’s major drainage basin, accompanied by related recreational, religious and educational facilities. Primary objectives of the regulations in this district are to protect stable residential neighborhoods from uses which do not contribute to a residential environment and to encourage planned, contiguous development.”

4. That the Single Family Residential (R-2) classification does not allow or provide for the raising of livestock (Section 12-242(3), Purcell City Code). That horses and sheep are included in the term livestock. (Section 4-111, Purcell City Code).
5. That Defendants are currently raising and boarding horses and sheep on the real property described in paragraph “2,” above.
6. Plaintiff is likely to prevail upon the merits of this action.
7. Plaintiff has no adequate remedy at law.
8. Plaintiff is entitled to a temporary restraining order and temporary injunction, prohibiting Defendants from raising and boarding livestock in a Single Family Residential District (R-2) and further directing Defendants to immediately and forthwith remove said livestock from said premises.

WHEREFORE, Purcell requests judgment against the Defendants for the following relief:


- a. A temporary restraining order enjoining the Defendants from raising and boarding livestock in the Single Family Residential (R-2) zoning classification and directing Defendants to immediately remove the same;

- b. A temporary injunction enjoining Defendants from raising livestock in the Single Family Residential (R-2) zoning classification and directing Defendants to immediately remove the same; and for
- c. Such other and further relief as this Court deems just and equitable.

  
 Ted W. Haxel (OBA # 3997)  
 Post Office Box 367  
 Purcell, OK 73080  
 (405) 527-5888 telephone  
 (405) 527-666 fax  
 ATTORNEY FOR PLAINTIFF

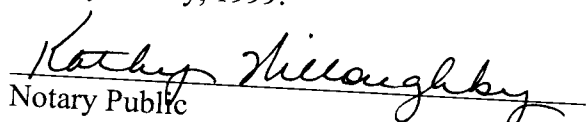
STATE OF OKLAHOMA    )  
                                   )    SS:  
 COUNTY OF McClain    )

Robert G. Annis, Jr., of lawful age, being first duly sworn, upon oath states that I am the city Manager for the Plaintiff, City of Purcell, that I have read the foregoing Petition for Temporary Restraining Order, Temporary Injunction and Permanent Injunction, that I am familiar with the matters set forth therein, and that the same are true and correct.

  
 Robert G. Annis, Jr.

Subscribed and sworn to before me this 27<sup>th</sup> day of July, 1999.

My commission expires:  
9-25-2002

  
 Notary Public

f:\ted\city.man\petition



WARRANTY DEED

8.00

Know All Men by These Presents : BOOK 1493 PAGE 323

7348 That JOHN ALBERT MANTOOTH and ROBIN M. MANTOOTH, husband and wife, of McClain County, parties of the first part, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto JOHN ALBERT MANTOOTH and ROBIN M. MANTOOTH, husband and wife, as joint tenants and not as tenants in common with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, of McClain County, Oklahoma, parties of the second part, the following described real property located in the City of Purcell, McClain County, Oklahoma, to-wit:

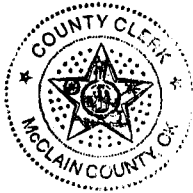
Lots 1, 2, 3, 4 and the West half (W/2) of Lot 7, and the North half (N/2) of Lot 8 and the Alley in Block 18, all in Block 18 and the South 45 feet of Taylor Street between Block 9 and Block 18 which has been vacated where it borders on the North of Block 18, all in the Town of Purcell, McClain County, State of Oklahoma, according to the recorded map and plat thereof.

Documentary Stamps Not Required pursuant to 68 O.S. §3202 ( )

together with all the improvements thereon and the appurtenances there unto belonging, and warrant the title to same.

TO HAVE AND TO HOLD the above described premises, unto the said Grantees, as joint tenants and not tenants in common with full rights of survivorship, their heirs and assigns forever; and Grantors do hereby bind themselves, their heirs and assigns, to warrant and forever defend, all and singular, the said property and premises unto the said Grantees, their heirs and assigns, against every person lawfully claiming or to claim the same, or any part thereof, except as to the exceptions, reservations and other matters to which this conveyance is made subject.

Executed this 31<sup>st</sup> day of August, 1998.



STATE OF OKLAHOMA } SS  
McCLAIN COUNTY }  
Filed for record on this  
24 day of August, 1998  
at 1:00 o'clock P.M. Recorded in  
Book 1493 on page 323  
Phyllis Bennett, County Clerk.  
By [Signature] Deputy  
Return to  
John Mantooth  
PO Box 667  
Purcell OK 73080

[Signature]  
JOHN ALBERT MANTOOTH

[Signature]  
ROBIN M. MANTOOTH

STATE OF OKLAHOMA )  
COUNTY OF McCLAIN ) SS.

Before me, the undersigned, a Notary Public in and for said County and State on this 31<sup>st</sup> day of August, 1998, personally appeared JOHN MANTOOTH and ROBIN MANTOOTH, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.



[Signature]  
NOTARY PUBLIC