

# **EXHIBIT 3**

## **ORDER GRANTING PERMANENT RESTRAINING ORDER ("INJUNCTION")**

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**Docket No. 22-4503**

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**IN THE MATTER OF THE BOND FORFEITURE  
QUALITY LANDSCAPE AND NURSERY, INC.  
LMO ET1496**

RECEIVED

JUL 25 2011

RISKE, SALISBURY & KELLY, P.C.

STATE OF WYOMING )  
 ) ss.  
COUNTY OF CARBON )

IN THE DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
JUDGE WADE WALDRIP

THE GOVERNING BODY OF THE  
TOWN OF SARATOGA, WYOMING,  
a Wyoming municipal corporation

Plaintiff

vs.

RANDY W. STEVENS

Defendant,

and

RANDY W. STEVENS LIVING TRUST  
by and through its Trustee, Randy W.  
Stevens; and QUALITY LANDSCAPE  
& NURSERY, INC.

Defendants.

Civil Action No. CV-09-284

STATE OF WYOMING )  
COUNTY OF CARBON ) ss.  
FILED

JUL 22 2011

BY DEBORAH D. OLSON  
CLERK OF DISTRICT COURT  
DEPUTY

**ORDER GRANTING PERMANENT RESTRAINING ORDER**

**THIS MATTER** having come before the Court for hearing on June 10, 2011 on *Plaintiff's Verified Motion for Order to Show Cause and Application for Emergency Restraining Order* filed via facsimile on June 6, 2011, and Plaintiff appearing by and through Suzie Cox, the Town of Saratoga, Town Clerk and Chuck Bartlett, the Town of Saratoga, Town Engineer, and appearing with Counsel Peggy Trent and Holli Austin-Belaski of Trent Law Office, LLC, and Defendant, appearing in person and by and through counsel, Don Riske, and the Court having reviewed the Motion and file, heard the evidence and argument of the parties and being otherwise fully advised in the premises, does hereby find and order as follows:

**THE COURT HEREBY FINDS** as follows:

1. *Plaintiff's Verified Motion for Order to Show Cause and Application for Emergency Restraining Order* and the evidence at the June 10, 2011 hearing set forth sufficient facts upon which this Court should continue the *Order Granting Emergency Restraining Order* dated June 7, 2011.
2. The restraining order is hereby continued from June 7, 2011 at 3:45 p.m. until further order of this Court.
3. This restraining order should be filed forthwith in the Clerk's Office and entered of record.

Exhibit

3

Doc. No. 22-4503

exhibitsticker.com

4. Plaintiff will be harmed by the trespass and potential damages to the Town's alleyway and potential hazard by removal of the soil near the NCRS building.

**IT IS HEREBY ORDERED AS FOLLOWS:**

A. This restraining order is entered and made permanent until further order of the Court. Mr. Stevens is hereby prohibited from removing soil located near, in or under the alleyway located near the property located at 600 River Street and more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 11, Riverside Addition to the Town of Saratoga, Carbon County, Wyoming, according to the plat thereof recorded July 14, 1900, in Block 51, Page 509, Records of Carbon County, Wyoming, together with all buildings and improvements thereon situate and appurtenances thereunto belonging

SUBJECT, HOWEVER, to all easements, reservations, restrictions, rights-of-ways and other matters of record or apparent upon the ground.

B. Mr. Stevens is hereby prohibited from removing soil located near, in or under the NCRS building located near the property located at 600 River Street and more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 11, Riverside Addition to the Town of Saratoga, Carbon County, Wyoming, according to the plat thereof recorded July 14, 1900, in Block 51, Page 509, Records of Carbon County, Wyoming, together with all buildings and improvements thereon situate and appurtenances thereunto belonging

SUBJECT, HOWEVER, to all easements, reservations, restrictions, rights-of-ways and other matters of record or apparent upon the ground.

C. Mr. Stevens shall be allowed to remove soil in other areas of his property which are not adjacent to the alleyway or NCRS building.

SO ORDERED this 21<sup>st</sup> day of July, 2011.

Wade E. Waldrip  
DISTRICT COURT JUDGE

APPROVED AS TO FORM:

Don Risko, Attorney for Randy Stevens

Copies to: Peggy A. Trent and Don Risko

State of Wyoming }  
County of Carbon } SS

Certified To Be A Full  
True and Correct Copy

Deborah D. Olson  
Clerk of District Court  
By: [Signature]  
Deputy  
Dated 7 Day 22 20 11