

STATE OF NEW HAMPSHIRE

Hillsborough, ss

SUPERIOR COURT

Docket Nos. 216-2016-CV00428

In the Matter of Town of New Boston v. John Winslow, et al

REQUEST FOR EX PARTE ORDER FOR INJUNCTIVE RELIEF

Now Comes John and Mona Winslow and requests the Honorable Court enjoin the Town of New Boston from the aggressive removal of personal property under the guise of removing certain nuisance items per a Court Order pending at this time, and says:

1. Although New Boston officials (Town) have removed a substantial amount of offending materials from the Winslow property they have yet to give the Winslow's the required "inventory list" as required by the Order of August 2016 and by RSA CHAPTER 544
2. REMEDIES FOR CERTAIN NUISANCES
3. Section 544:9 "The officer serving such restraining order may enter on the premises, and shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance."

4. This required inventory was to be assembled and maintained by Mr. Hunter, the code enforcement officer, who the Winslow's have not seen or heard from since a majority of the materials have been removed, leaving the Winslow's at a loss as to how to protect personal property that is not offending the original order. The Town hauled away Mr. Winslow's small galvanized boat trailer with the license plate still attached and took his compressor as well.
5. Last Friday, 1/18/2017 the contractor removing the materials said he was "all finished" and he left in his truck. Mr. Winslow assumed the rest of the property was safe from being considered "junk."
6. On Monday, Jan. 22, the contractor reappeared with one Town official and said they would "Take everything" putting Mr. Winslow at great distress as he had not moved anything not considered "junk" to protect it. The Town then left and again reappeared, unannounced, and again without the required inventory on Wednesday Jan. 24, right after an ice storm covered the driveway, leaving Mr. Winslow no means to move registered vehicles.
7. It has been learned since the last hearing that the contractor removing property from the Winslow property has no required contract with the Town and has not supplied a certificate of insurance with anyone, including the Winslow's. This again has caused the Winslow's, especially Mr. Winslow

greater emotional and physical distress. It should be noted that Mr. Winslow has been taken by ambulance from the property after passing out inside of his loader while trying to comply with the Order and Town requests to move items.

8. It has also been learned that the Town's contractor is removing items called junk to an unlicensed junkyard in another Town. Mr. Winslow is concerned he could be liable for that unlawful activity by the Town contractor.
9. Mr. Winslow has on two occasions since 1970, removed materials the Town called junk and cooperated with the requests delivered by Town officials on required inventory lists. He would like the Town to cooperate with the intent of the Court Order and Order from the Jan. 11, Hearing.
10. The Town's action in this over-aggressive administrative procedure are becoming vexatious and malicious in their effort to strip the Winslow property of anything they deem offensive, along with personal property Mr. Winslow has a right to own and make a living with without providing Mr. Winslow due process.
11. It appears, pending the Jan. 11 Hearing, that the Town is trying to remove as much personal property as possible before another Order clarifying what can be removed or what trailers or buildings entered can be drafted. This

action by the Town violates the intent of RSA 544:7 "Ex Parte Order. – Where such application for a temporary injunction has been made the court may, on application of the complainant, issue an ex parte order restraining the defendants and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is alleged to exist until the decision of the court granting or refusing such injunction and until the further order of the court."

Wherefore the Winslow's request the Court hear this REQUEST for EX PARTE RELIEF and asks

- a. The Court issue and order stopping the Town from taking any more nuisance items and personal property from the property until such time a lawful inventory list be given to the Winslow's.
- b. Have the Town clean up the debris it has accumulated in windrows until further removal of un-inventoried property.
- c. Require the Town to follow Town Policy and require the contractor to provide a certificate of insurance to the Town and the Winslow's.
- d. Assure the Winslow's that no junk or personal property of the Winslow's be taken to any illegal, unregistered junkyard as is being done now.

- e. Have the Town give the Court a reason why it is trying to strip the Winslow property of all tools and equipment Mr. Winslow uses to make a living, before the next hearing.
- f. Any other action the Court deems just and fair.

Verification

I hereby verify these statements are true to the best of my knowledge and ability

Signed _____

Dated _____

Certification

I hereby certify that I have delivered a copy of this MOTION to Town counsel and

The Town of New Boston

Signed _____

Dated _____