

THE STATE OF NEW HAMPSHIRE
Rockingham Superior Court

PO Box 1258
Kingston, NH 03848 1258
603 642-5256

NOTICE OF DECISION

SUMNER F KALMAN
P O BOX 988
147 MAIN STREET
PLAISTOW NH 03865-0988

10-E-0065 Town of Atkinson vs. Malborn Realty Trust, et al

Please be advised that on 3/24/2010 Judge Nadeau made the following
order relative to:

Court Order ;
Re: Temporary Hearing (copy enclosed)

04/22/2010

Raymond Taylor
Clerk of Court

cc: Thea S. Valvanis
Bernard H Campbell

The State of New Hampshire

10-E-005
Docket No.

ORDER ON DOCUMENT NO. _____

Town of Atkinson v. Daniel Osborn, Trustee
Malborn Realty Trust

After a hearing on the Town's motion for preliminary injunction, it is GRANTED. Accordingly, the defendants shall either vacate the premises or install a sprinkler system.

The court finds the plaintiff has demonstrated a likelihood of success on the merits. The defendant understood a condition of the occupancy permit was the installation of a sprinkler system, which they did not appeal. Because of the extreme grade of the driveway, the fire department is not able to safely respond to emergencies.

The danger of irreparable harm under these conditions is great and while vacating the home

Date _____

Signature
Presiding Justice

ORDER

The State of New Hampshire

10-E-65

Docket No.

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or installing a sprinkler system may cause the defendants a hardship, on balance, the threat of an emergency, to which the town will have significant difficulty responding, is much greater.

Accordingly, the request for preliminary injunction is granted.

The defendants shall have 30 days from the date on the clerk's notice of decision to comply with this order.

3/24/10

Date

J. Hadan

Signature
Presiding Justice

ORDER