

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

STATE OF MARYLAND

EDWARD R. SHANNON
2812 Blazer Court
Silver Spring, MD 20906,

PETITIONER,

v.

BEL PRE RECREATIONAL ASSOCIATION, INC. *
13920 Bethpage Lane *
Silver Spring, MD 20906, *

RESPONDENT, *

c/o Resident Agent *
DAPHNE BYRON *
13701 Beauwick Court *
Silver Spring, MD 20906 *

EQUITY NO. 67941

PETITION FOR AN EX-PARTE INJUNCTION

Comes now your petitioner, EDWARD R. SHANNON, to petition the Court for an Ex-Parte Injunction against the respondent, BEL PRE RECREATIONAL ASSOCIATION, INC., in regard to the planned swimathon event on Sunday, July 22, 1979, or any other swimathon event which would be scheduled on any work night for the following reasons:

1. Your petitioner's property abuts or adjoins the respondent's swimming pool.
2. On or about July 16, 1979, a member of the Board of the Bel Pre Recreational Association informed the petitioner of the planned swimathon for Sunday, July 22, 1979.
3. The swimathon would continue all through Sunday evening until Monday, July 23, in the afternoon.
4. The swimathon would interfere with the peace, tranquility, and the quiet enjoyment of the petitioner's home. Furthermore, said event would disrupt the ability of your petitioner's

work day.

5. The Board of Trustees of the Bel Pre Recreational Association had notice and knowledge of your petitioner's opposition to any all-night events on a work night.

6. Your petitioner hereby incorporates by reference his affidavit to express irreparable harm.

WHEREFORE, your petitioner prays to Court for an ex-parte injunction restraining the Board of the Bel Pre Recreational Association to conduct an all-night swimathon on any evening other than a Friday or Saturday night. However, your petitioner would not object to a swimathon on a work night if your petitioner were on vacation.

ES

EDWARD R. SHANNON, pro se

POINTS AND AUTHORITIES

Maryland Rule - BB 72.

CERTIFICATE OF SERVICE

A copy of this petition and affidavit has been mailed, postage prepaid, special delivery, to Mr. Robert Corcoran, President, Board of Bel Pre Recreational Association, Inc., 2928 Birchtree Lane, Silver Spring, MD 20906.

ES

Edward R. Shannon

July 20, 1979

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF MARYLAND

EDWARD R. SHANNON,
Petitioner,

v.

BEL PRE RECREATIONAL ASSOCIATION, INC.,
Respondent.

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Equity No. _____
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AFFIDAVIT

I, Edward R. Shannon, do hereby swear to the best of my knowledge, information, and belief that the following matters are true:

1. That the petitioner's sleeping quarters face the swimming pool area.
2. That in the early morning hours the petitioner has been disrupted many times in his sleep by trespassers entering the pool. (Moreover, the swimming team of the Bel Pre Recreational Association start their swim practice at 6:30 AM.) The Board has appointed Edward R. Shannon to police the pool throughout the night.
3. That the petitioner is exhausted and tired from lack of sleep.
4. That the petitioner's work day has suffered from sleepless nights.
5. That any swimathon on a work night would only add to the burden of your petitioner's sleepless nights.
6. That your petitioner's family also is suffering from this situation.

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SUBSCRIBED AND SWORN TO before me this 20th day of July, 1979.

BSI
Notary Public

My commission expires: _____

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF MARYLAND

EDWARD R. SHANNON,
Petitioner,

*

*

v.

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*

Equity No. _____

BEL PRE RECREATIONAL ASSOCIATION, INC.,
Respondent.

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EX-PARTE INJUNCTION

This matter having come before the Court on a petition for an Ex-Parte Injunction, filed herein by the petitioner, and the Court having considered the premises contained therein, and having concluded that the petitioner will suffer irreparable injury in the event the injunction is not granted, it is this _____ day of July, 1979, by the Circuit Court for Montgomery County sitting as a Court of Equity,

ORDERED that the BEL PRE RECREATIONAL ASSOCIATION, INC., is hereby temporarily restrained from any swimathon event on any evening preceding a work day except when EDWARD R. SHANNON is on vacation, and it is further

ORDERED that this matter be set on _____
for a hearing on the merits of said petition.

J U D G E