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**ST. LOUIS CO
COURTS**

Fax

To: JANE DUEKER	From: KARRIE
Fax: 314-259-4492	Pages: 4
Phone:	Date: 9/27/2012
Re: MO. BANKS VS ST LOUIS CO.	CC:
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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

FILED

SEP 7 2012

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

MISSOURI BANKERS ASSOCIATION)
INC., and JONESBURG STATE BANK)

Plaintiffs)

v.)

Cause No. 12SL-CC03659

ST. LOUIS COUNTY, MISSOURI and)
CHARLIE A. DOOLEY, in his official)
Capacity as County Executive,)

Division 33

Defendants.)

TEMPORARY RESTRAINING ORDER

This matter is before the Court on Plaintiffs Missouri Bankers Association, Inc., and Jonesburg State Bank ("Plaintiffs") Motion for a Temporary Restraining Order. The Motion was called, heard and submitted on September 27, 2012. Plaintiffs appeared by counsel, Jane Dueker. Defendants appeared by counsel, Patricia Redington. The Court, having heard the arguments of counsel and being now sufficiently advised hereby makes the following findings.

On August 28, 2012, the St. Louis County Council enacted Ordinance 25,190 of 2012 ("Ordinance") which purports to amend Title VII of the Revised St. Louis County Code by adding Chapter 727 entitled the "Mortgage Foreclosure Intervention Code." The measure was signed by Defendant Charles A. Dooley on August 29, 2012 and will become effective on September 28, 2012. The effect of the Ordinance is to require a lender who has loaned money to an owner of residential property that is secured by a deed of trust, to engage in mediation prior to filing a foreclosure deed.

Plaintiffs filed this Motion for Temporary Restraining Order seeking to enjoin Defendants from implementing or enforcing, or causing to be implemented or enforced,

Ordinance No. 25,190 of 2012.

Pursuant to Rule 92.02(a), a Temporary Restraining Order shall not be granted unless the party seeking relief demonstrates immediate and irreparable injury, loss, or damage in the absence of relief. "A temporary restraining order maintains the status of the parties until the merits of their claim are resolved. It does not purport to pass upon the merits of a controversy or dispose of any issue." Ballesteros v. Johnson, 812 S.W.2d 217, 221 (Mo.App. 1991). *Internal citations omitted.*

The Court finds Plaintiffs will suffer immediate and irreparable financial and property damage if the Defendants are allowed to implement or enforce the Ordinance prior to a determination on the merits. The relief granted in this Temporary Restraining Order is merely to maintain the status quo.

Accordingly, Plaintiff's Motion for a Temporary Restraining Order is hereby GRANTED. Defendants St. Louis County, Missouri and Charlie A. Dooley, in his official capacity as County Executive, are hereby enjoined from implementing or enforcing Ordinance No. 25,190 of 2012 or causing such Ordinance to be implemented or enforced.

It is further Ordered that Plaintiffs Missouri Bankers Association and Jonesburg State Bank post a bond in the amount of \$25,000 which shall be deemed sufficient security in support of this Order.

This Order is effective immediately as of 3:30pm on Thursday, September 27, 2012. This Order shall remain in full force and effect for fifteen days until Monday, October 15, 2012, pursuant to Supreme Court Rule 44.01(a).

The parties are hereby ORDERED to appear for hearing on a Motion for Preliminary Injunction on Monday, October 15, 2012 at 1:00pm.

SO ORDERED:

9/27/12
Date

B. Stith
Brenda Stith Loffin, Judge

cc: Jane Dueker
Patricia Redington