

No. 9284

IN THE MATTER OF  
THE MARRIAGE OF

AVIAN ANN BIEDERMANN  
AND  
KENNETH KYLE BIEDERMANN

AND IN THE INTERESTS OF  
KYLA RAE BIEDERMANN,  
EMILY LAINE BIEDERMANN,  
LOREN NOEL BIEDERMANN AND  
DANA TRUE BIEDERMANN, MINOR  
CHILDREN

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IN THE DISTRICT COURT OF

GILLESPIE COUNTY, T E X A S

216 JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER  
AND ORDER SETTING HEARING FOR TEMPORARY ORDERS**

The application of Petitioner for temporary restraining order was presented to the Court today.

The children the subject of this suit are Kyla Rae Biedermann, Emily Laine Biedermann, Loren Noel Biedermann and Dana True Biedermann.

The Court examined the pleadings and affidavit of Petitioner and finds that Petitioner is entitled to a temporary restraining order.

IT IS THEREFORE ORDERED that the clerk of this Court issue a temporary restraining order restraining Petitioner and Respondent, and Petitioner and Respondent are immediately restrained, from:

1. Communicating with the other party in person, by telephone, or in writing in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
2. Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
3. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication.

**FILED**  
At 12:36 O'clock AM

DEC 18 2000  
*Barbara Meyer*  
BARBARA MEYER  
DISTRICT CLERK  
GILLESPIE COUNTY, TEXAS

4. Causing bodily injury to the other party or to a child of either party.
5. Threatening the other party or a child of either party with imminent bodily injury.
6. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
7. Falsifying any writing or record relating to the property of either party.
8. Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
9. Damaging or destroying the tangible property of one or both parties, including any document that represents or embodies anything of value.
10. Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of Petitioner or Respondent, whether personalty or realty, and whether separate or community, except as specifically authorized by order of this Court.
12. Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.
13. Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.
14. Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by order of this Court.
15. Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by order of this Court.

16. Entering any safe-deposit box in the name of or subject to the control of Petitioner or Respondent, whether individually or jointly with others.
17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of Petitioner or Respondent, except as specifically authorized by order of this Court.
18. Changing or in any manner altering the beneficiary designation on any life insurance on the life of Petitioner or Respondent or the parties' children.
19. Canceling, altering, or in any manner affecting the present level of coverage of any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' children.
20. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping, or yard maintenance, at either party's residence or in any manner attempting to withdraw any deposits for service in connection with those services.
21. Excluding the other party from the use and enjoyment of the other party's residence.
22. Opening or diverting mail addressed to the other party.
23. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
24. Taking any action to terminate or limit credit or charge cards in the name of the other party.
25. Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
26. Discontinuing or reducing the withholding for federal income taxes on the other party's wages or salary while this case is pending.
27. Destroying, disposing of, or altering any financial records of the parties, including but not limited to records from financial institutions (including cancelled checks and deposit slips), all records of credit purchases or cash advances, tax returns, and financial statements.

28. Molesting or disturbing the peace of the children or of another party.
29. Removing the children beyond the jurisdiction of the Court, acting directly or in concert with others.
30. Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled.
31. Hiding or secreting the children from the other party or changing the children's current place of abode.

IT IS FURTHER ORDERED that the parties are authorized only as follows:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

To engage in acts reasonable and necessary to conduct the party's usual business and occupation.

This restraining order is effective immediately and shall continue in force and effect until further order of this Court or until it expires by operation of law. This order shall be binding on the parties; on the parties' agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS FURTHER ORDERED that the clerk shall issue notice to Respondent, Kenneth Kyle Biedermann, to appear, and Respondent is ORDERED to appear in person, before this Court in the courthouse at 101 West Main St., Fredericksburg, Texas, on Jan 21, 2020 at 9.00 A. M. The purpose of the hearing is to determine whether, while this case is pending: *subject to Jury docket*

- 1 The preceding temporary restraining order should be made a temporary injunction pending final hearing.
2. The additional temporary injunction prayed for should be granted.
3. Petitioner should be awarded the exclusive use and possession of the parties'

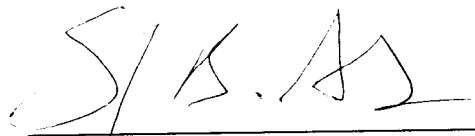
residence, furniture, and furnishings at 110 W. Hackberry St., Fredericksburg, Texas while this case is pending, and Respondent should be enjoined from entering or remaining on the premises of the residence, except as authorized by order of this Court.

4. Petitioner should be awarded exclusive use and control of the \_\_\_\_\_ motor vehicle, and Respondent should be enjoined from entering, operating, or exercising control over it.
5. Petitioner should be appointed sole managing conservator.
6. Respondent should be ordered to pay child support, health insurance premiums for coverage on the children, and the children's uninsured medical expenses while this case is pending.
7. The Court should order the preparation of a social study into the circumstances and condition of the children and of the home of any person requesting managing conservatorship or possession of the children.
8. Respondent should be appointed temporary possessory conservator.
9. The Court should order the psychological evaluation of the parties and the children.
10. The Court should appoint a guardian and attorney ad litem to represent the interests of the children.
9. The Court should order Respondent to produce copies of income tax returns for tax years 1989 - 1999, a current financial statement, and current pay stubs by a date certain.
10. The Court should order Respondent to pay reasonable interim attorney's fees and expenses.
11. The Court should order Respondent to pay estimated income taxes on the due dates as required by the Internal Revenue Service and under the Social Security numbers of both Petitioner and Respondent and to pay any ad valorem taxes as due on the properties of the parties.
12. The Court should order Respondent to provide a sworn inventory and appraisal of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the

form and detail prescribed by the *Texas Family Law Practice Manual* (2d ed.), form 7-1.

13. The Court should order Respondent to produce copies of all the tax information necessary to prepare Petitioner's tax returns for tax year 1999, including tax returns and all supporting schedules for years 1992 - 1998, by a date certain.
14. The Court should order Respondent to participate in an alternative dispute resolution process before trial of this matter.
15. The Court should order Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.
16. The Court should order a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.
17. The Court should make all other and further orders respecting the property and the parties that are pleaded for or that are deemed necessary and equitable and for the safety and welfare of the children.

SIGNED on Dec. 18, 2000 at 12:30 P.M.

  
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JUDGE PRESIDING

Copy To: Atty. Bergman 12-18-00 lem

Certified Copy To: ✓ Petitioner

12-18-00 lem ✓ Respondent/With Service papers  
✓ City Of Fbg. Police Dept.  
✓ Gillespie County Sheriff's Office  
✓ Cons.# One And Cons.# Two