

1 HON. BRENDA R. GILBERT
2 District Judge
3 Sixth Judicial District
4 414 East Callender Street
5 Livingston, Montana 59047
6 406-222-4130

MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

6 DENNIS RILEY, WENDY RILEY,)
7 JERRY LADEWIG, JEFFREY)
8 LADEWIG, MARK SEAVER,)
9 ANDREA SEDLAK, MARTHA)
10 MCALISTER, JOHN MCALISTER,)
11 together with and on behalf of other)
12 lot owners,)
13 Petitioners,)
14 vs.)
15 GLASTONBURY LANDOWNERS)
16 ASSOCIATION, INC.,)
17 Respondent.)

CAUSE NO. DV 21-101

**ORDER APPOINTING CUSTODIAN
PENDENTE LITE**

17 The Court entered its Findings of Fact, Conclusions of Law and Order Regarding Petition
18 for Judicial Dissolution of Nonprofit Corporation on February 25, 2022.

19 The Court concluded that the appointment of a custodian pendente lite is necessary to
20 facilitate the election for the Board of Directors as well as the vote of the Membership regarding
21 the Resolution proposed by the Board following the Mediation.
22

23 ACCORDINGLY, GOOD CAUSE EXISTS FOR ENTRY OF THE FOLLOWING

24 ORDER:

- 25 1. Hon. Wm. Nels Swandal, Ret. is hereby appointed as the as the custodian pendente lite.
- 26 2. The custodian pendente lite shall oversee and facilitate the matters set forth below. The

1 custodian pendente lite shall consider the input of GLA counsel, Ryan Jackson, and in keeping
2 with the Covenants and the Bylaws of the GLA, oversee and facilitate the following:

- 3 a. Determination of the Board of Directors positions that are open for election;
- 4 b. Facilitation of the process for receiving applications from Members who wish to
5 be on the ballot for a Board of Directors' position;
- 6 c. Oversee and approve the preparation of the ballot, and the conduct of the
7 election, in keeping with the Covenants and Bylaws of the GLA;
- 8 d. Given that the GLA has not had Board elections for the past two years, the
9 custodian pendente lite may determine that a special election for Board
10 Members be held at a time other than the normal time of year for Board
11 elections;
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14 3. The custodian pendente lite shall also oversee and facilitate a vote by the
15 Membership regarding the Resolution proposed by the Board following the Mediation which
16 proposed a division of the GLA into two separate entities, Glastonbury North and Glastonbury
17 South. The custodian pendente lite shall consider the input of GLA counsel, Ryan Jackson, in
18 arriving at the process for conducting this vote, in keeping with the Covenants and Bylaws of the
19 GLA.
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21 4. The custodian pendent lite shall be paid by the GLA and will function as, "an arm of
22 the Court" with judicial immunity. The custodian pendente lite is authorized to be compensated at
23 the rate of \$100 per hour for his work in connection with this case. The GLA shall pay the
24 custodian pendente lite's invoices within fourteen days of an invoice being submitted to the GLA.
25 The GLA shall pay the custodian pendente lite's invoices by check issued to Swandal Law PLLC.
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1 5. When the election for the Board of Directors as well as a vote of the Membership
2 regarding the Resolution have both been completed, the custodian pendente lite, and counsel herein
3 shall file a Status Report with the Court regarding the status of the case and what action by the
4 Court, if any, is needed.
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6 6. While the custodian pendente lite is carrying out his appointment, and until such
7 time as an election of board members has been completed, John McAlister shall continue to have
8 the authority to pay bills on behalf of the GLA, to prosecute and defend any pending litigation and
9 assessments involving the GLA, and to approve any needed road maintenance in the GLA and
10 provide payment for such by the GLA.
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12 7. Counsel for the GLA, Ryan Jackson, shall ensure that a copy of this Order is
13 provided to all Members in good standing of the GLA.

14 **ELECTRONICALLY SIGNED AND DATED BELOW.**
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16 CC: Nicholas J. Lofing
17 Ryan Jackson
18 Hon. Wm. Nels Swandal
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