

V. S. NO. # 2001-10364 "E"

Notice of Judgment

Malise Prieto, Jacqueline Carr and Jason

Carr

22nd Judicial District Court, Parish of St. Tammany, Louisiana

TO: Carolyn B. Hennesy

Attorney at Law

601 Poydras Street, Ste. 2775
Pan American Life Center
New Orleans, LA. 70130

You are hereby notified that judgment was rendered in this matter in accordance with the certified copy thereof which is attached hereto as part hereof.

Witness the Honorable Judges of this said Court, this 25th day of May A.D., 20 01

Malise Prieto, CLERK OF COURT

BY: s/ Bridget Hickman

DEPUTY CLERK OF COURT

NOTICE OF JUDGMENT AND
CERTIFIED COPY MAILED
TO ABOVE NAMED ON
05/31/01

A TRUE COPY
Bridget Hickman
DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA.

TWENTY SECOND JUDICIAL DISTRICT COURT

FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2001-10364

DIVISION "E"

NORTH SHORE BEACH ASSOCIATION

VERSUS

MALISE PRIETO, JACQUELINE CARR, AND JASON CARR

FILED: 4 MAY 23, 2001

Bridget Pickman
DEPUTY CLERK

JUDGMENT ON MANDAMUS AND PEREMPTORY WRIT

This matter came up for hearing before the Honorable Judge William J. Burris on the 4th day of May, 2001. Present were the following:

Carolyn B. Hennesy, attorney for North Shore Beach Association, plaintiff.

Jacqueline Carr, defendant, in proper person;

Jason Carr, defendant, in proper person;

Considering the pleadings and oral argument of counsel and the parties,

IT IS ORDERED, ADJUDGED, AND DECREED that for the reasons orally assigned, the alternative writ directed to the Honorable Malise Prieto, Clerk of Court is hereby made PEREMPTORY and the Clerk is ordered to immediately CANCEL the inscription of Instrument No. 1170325, entitled "Partial Termination of Building Restrictions, North Shore

Beach Subdivision," from the land records of St. Tammany Parish, Louisiana.

IT IS FURTHER ORDERED that the preliminary injunction demand is denied for reasons given in "Reasons For Judgment" filed herein.
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that defendants,

Jacqueline Carr and Jason Carr, are hereby charged with all costs of this proceeding.

Covington, Louisiana, this 25 day of May, 2001.

William J. Burris
WILLIAM J. BURRIS
DISTRICT JUDGE

A TRUE COPY
Bridget Pickman
DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA.

FILED
ST. TAMM. PAR.
2001 MAY 23 P 2:36

ALL COSTS PAID
Carroll R. Butler
Dy. Clerk 22nd Jud. Dist. Court
St. Tammany Parish, La.

TWENTY SECOND JUDICIAL DISTRICT COURT

FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2001-10364

DIVISION "E"

NORTH SHORE BEACH ASSOCIATION

VERSUS

MALISE PRIETO, JACQUELINE CARR, AND JASON CARR

FILED: 4 MAY 23, 2001

Bridget Dickman
DEPUTY CLERK

JUDGMENT ON EXCEPTIONS

This matter came up for hearing before the Honorable Judge William J. Burris on the 4th day of May, 2001. Present were the following:

Jacqueline Carr, Exceptor, in proper person;

Jason Carr, Exceptor, in proper person;

Carolyn B. Hennesy, attorney for North Shore Beach Association, plaintiff.

Considering the pleadings and oral argument of counsel and the parties,

IT IS ORDERED, ADJUDGED, AND DECREED that for the reasons orally assigned, the exceptions filed by Jacqueline Carr and Jason Carr are hereby DENIED, and Exceptors are hereby ordered to pay all costs.

Covington, Louisiana, this 25 day of May, 2001.

William J. Burris
WILLIAM J. BURRIS
DISTRICT JUDGE

ALL COSTS PAID
Carolyn B. Hennesy
By: Clerk 22nd JUD. Dist. Court
St. Tammany Parish, La.

2001 MAY 23 4 10:46
ST. TAMM. PAR.
FILED

A TRUE COPY
Bridget Dickman
DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA.

NORTHSHORE BEACH ASSOCIATION
VERSUS
MAILSE PRIETO, ET AL

22ND JUDICIAL DISTRICT COURT
DOCKET NO. 2001-10364
PARISH OF ST. TAMMANY,
LOUISIANA

FILED

MAY 24 2001

DEPUTY

Reasons For Judgment

This matter came to be heard on May 4, 2001 on a petition for mandamus and injunction. The Court granted the writ of mandamus to the St. Tammany Parish Clerk to cancel an act filed on October 13, 1999 terminating certain building restrictions in North Shore Beach Subdivision. The Court took the matter of injunctive relief under advisement.


The Court in oral reasons found that defendants had never confirmed a tax title causing the writ of mandamus to issue to the Clerk. The Court also finds that the termination of restrictions would have had to have been by 75% of the lot owners and land not designated as a lot is not included in the vote. Therefore, the writ of mandamus is also granted on that basis.


The Court is of the opinion that prior restraint of a person to file acts in the public records is a drastic remedy that has not been provided for in Louisiana. The Court is mindful of the fact that the judicial system is bombarded with frivolous litigation. As a response, the federal system has provided a procedure for prior approval of in forma pauperis filings by those persons proven to be prone to frivolous litigation, 28 U.S.C.S. 1915 (g). Defendant Jacqueline Carr has been found to be one of those persons by the federal system. The Louisiana judicial system has the same problems but the Legislature has not provided such legislation. This litigation seeks to go even further and seeks to enjoin public record filings. The only filing in the conveyance records that defendants have filed to date affecting plaintiffs is the present document. Although the Court rejected the defendants claims, their position was not entirely frivolous. The Court does not find that the issuance of injunctive relief in this case is warranted.

The preliminary injunction is denied. The Court taxes costs to defendants
Jacqueline Carr and Jason Carr.

The Court shall sign a judgment in accordance with these reasons prepared by
counsel for plaintiff and presented to the Court.

Covington, Louisiana this 23rd day of May, 2001.


WILLIAM J. BURRIS
DISTRICT JUDGE, DIVISION "E"

A TRUE COPY

DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA.