

DECLARATION SUPPORTING
APPLICATION FOR
TEMPORARY RESTRAINING ORDER

Sample Only
Use At Your Own Risk



I, _____ [name], declare as follows:

1. _____ [Identify declarant, such as: I am a plaintiff in this action and the tenant of _____ (name of Plaintiff One) who is also a plaintiff in this action. I reside on the property that is the subject of this application or as the case may be.] I make this declaration in support of the plaintiffs' application for a temporary restraining order and order to show cause why a preliminary injunction should not issue.

2. _____ [State facts identifying wrongful acts and perpetrators, and stating why acts should be restrained, such as: I am acquainted with the defendant in this action. Beginning on or about _____ (date), and continuing to the present time, defendant and two people who appear to be defendant's agents and employees began entering onto plaintiff's property at _____ (address), cutting trees, and removing wood and brush, all without permission. On or about _____ (date), _____ (name of Plaintiff One) in my presence made an oral demand to defendant and defendant's agents and employees then present that they leave the property and cease cutting and removing trees, wood, and brush. Defendant has refused and continues to refuse to cease this conduct, which has permanently removed and destroyed over 20 trees and varied vegetation, leaving stumps and debris, causing scars on the land and erosion, and creating a danger of severe future erosion and wasteful run-off, with reduced percolation of water into the aquifer that serves the well on the property. Defendant's removal of trees and vegetation has made my residence visible to the road and surrounding houses, and the noise of the road has become more audible and disturbing inside my house. Defendant's unwelcome presence and noisy activities

on the property (including the use of chain saws and hauling machinery) interfere with my sleep, privacy, and quiet enjoyment of the property, and cause me great emotional distress.]

3. _____ [Identify and describe any exhibits attached as evidence to the declaration, such as writings or photographs, such as: I attach as Exhibit "A" a photograph I took on _____ (date) while standing on the passing road at the driveway of the property. The photograph shows a view of my residence (which was never visible from that spot before), ten fresh tree stumps, flattened and damaged shrubbery, and fresh deep scars in the ground on the property. It is a fair and accurate representation of that portion of the property on that date.]

4. _____ [Identify and describe any other exhibits.]

5. _____ [State the CCP section 526(a) grounds for a preliminary injunction that apply, such as: Defendant, and defendant's agents and employees, are, and threaten to continue, wrongfully removing and damaging trees and vegetation on the subject property in violation of plaintiffs' rights. Plaintiffs are entitled to the restraint of the continuation of these wrongful acts, as demanded. The anticipated continuation of these wrongful acts would tend to render any future judgment ineffectual, because the trees and vegetation will have been already damaged or removed.

Pecuniary compensation would not afford adequate relief because no amount of money could restore the property to its previous condition.]

6. Plaintiffs will suffer _____ [great or irreparable or great and irreparable] injury before the matter can be heard on notice because _____ [the trees and vegetation that defendant threatens to continue to damage and remove are unique, representing years of growth, and cannot readily be restored or replaced or as the case may be].

7. These facts are a matter of my personal knowledge. I would be competent to testify to their truth if I were called as a witness.

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct and that this declaration was signed at _____, California..

Date: _____

[Plaintiff's name]
Plaintiff *In Pro Per*

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