

ORIGINAL

FILED

10/05/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0343

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0343

FILED

OCT 05 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE MATTER OF THE ESTATE OF

ADA E. ELLIOT,

ORDER

Deceased.

Self-represented Appellant Ian Elliot (Elliot) moves this Court to enjoin or to stay a Yellowstone County District Court Order pending his appeal. He states that his need is immediate because the District Court has ordered sale of the property at issue. Counsel for Joseph V. Womack, Special Administrator of the Estate of Ada E. Elliot and the Liquidating Partner of Starfire, LP (Womack), responds in opposition. Counsel for Cindy Elliot opposes Elliot's motion but has not filed a written response.

In his motion, Elliot wants to forestall the sale of property in Gallatin County. He challenges the appointment of Womack and lists the errors by the court in this underlying probate proceeding. Elliot contends that, absent injunctive relief, he and the estate will be injured because this "forced-sale" of the property will "deprive[] Ada's heir's property rights."

Womack explains that this probate matter has been pending for more than four years in the District Court and that the court has warned Elliot not to interfere with Womack's duties. Womack states that the two parcels of real property are to be sold to pay for the administration costs of the estate. Following a hearing in April 2021, Womack offers that the District Court specifically stated that Elliot should not interfere with the approved forensic accounting and property sales. Womack maintains that a stay is not appropriate here, that Elliot has not adhered to M. R. App. P. 22, and that the District Court denied his motion for a stay previously.


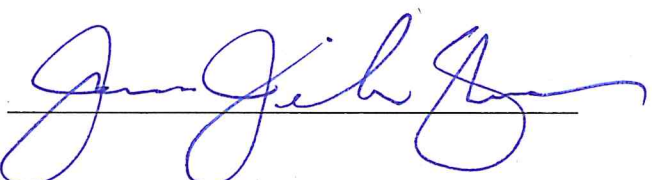
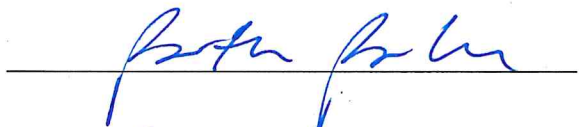
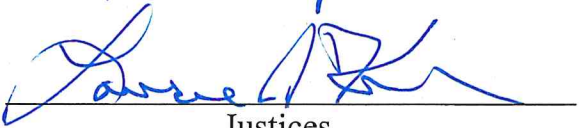
Elliot's request for injunctive relief or a stay is not properly pled or appropriate. M. R. App. P. 22(2)(a). On September 21, 2021, this Court denied Elliot's similar writ for injunctive relief or supervisory control in his separately filed petition. *See Elliot v. Womack and Elliot*, No. OP 21-0473, Order (Mont. Sept. 21, 2021). Elliot has not shown any basis for such requested relief in his instant motion either. Accordingly,

IT IS ORDERED that Elliot's Emergency Motion for Injunctive Relief or Stay Pending Appeal is DENIED and DISMISSED.

The Clerk is directed to provide a copy of this Order to counsel of record and to Ian Elliot personally.

DATED this 5th day of October, 2021.


Chief Justice





Justices