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*Attorneys for Appellants*

**IN THE SUPREME COURT OF THE STATE OF MONTANA**  
**Supreme Court Case No. \_\_\_\_\_**

APRIL MYERS, JAMES MYERS, )  
DARRYL WHITCANACK, PATRICIA )  
MILLER, EVERETT WESTERMAN, )  
PATRICIA WESTERMAN, JAMES )  
STEVENSON, LONNIE BEKEL, and )  
CINDY BEKEL, )

Appellants/Plaintiffs, )

v. )

JOSEPH KLEINHANS and AMANDA )  
KLEINHANS, )

Appellees/Defendants. )

**NOTICE OF APPEAL**

NOTICE IS GIVEN that April Myers, James Myers, Darryl Whitcanack, Patricia Miller, Everett Westerman, Patricia Westerman, James Stevenson, Lonnie Bekel, and Cindy Bekel, the Appellants above-named and who are the Plaintiffs in the cause of action filed in the Montana Twenty-Second Judicial District Court, in and for the County of Carbon, as Cause No. DV-22-81, hereby appeal to the Supreme

Court of the State of Montana from the Judgment entered on January 16, 2024 and the Order on Motions for Summary Judgment entered on November 30, 2023, copies of which are attached hereto as Exhibit “A”.

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is not subject to the mediation process required by M.R. App. P., Rul 7, because there is no monetary judgment aside from costs.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That no transcripts have been ordered or are necessary, in that no hearings too place and no transcripts exist.
4. That included herewith is the filing fee prescribed by statute.

DATED this 2<sup>nd</sup> day of February, 2024.

CRIST, KROGH, ALKE & NORD, PLLC

By: /s/ Eric Edward Nord

Eric Edward Nord  
2708 1<sup>st</sup> Avenue North, Suite 300  
Billings, MT 59101

*Attorneys for Appellants*

## **CERTIFICATE OF SERVICE**

I, Eric Edward Nord, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 02-02-2024:

Shane P. Coleman (Attorney)  
1555 Campus Way  
Suite 201  
Billings MT 59102  
Representing: Joseph Kleinhans, Amanda Kleinhans  
Service Method: eService

Carbon County Clerk of District Court  
P.O. Box 948  
Red Lodge MT 59068  
Service Method: Conventional

Electronically Signed By: Eric Edward Nord  
Dated: 02-02-2024