

D. MICHAEL EAKIN
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Attorney for Defendant/Appellant

IN THE SUPREME COURT STATE OF MONTANA

DA _____

David M. KAHL, Trustee for
FRANK L. KAHL, Revocable Trust.

Plaintiff/Appellant.

vs.

DAVID POLKOW,
Defendant/Appellant,

NOTICE OF APPEAL

NOTICE is given that David Polkow, the Appellant above-named and who is the Defendant in that cause of action filed in the Thirteenth Judicial District, in and for the County of Yellowstone as Cause No. DV 23-1014, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 27th day of March, 2024.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P.
7. If subject to mediation, the money judgment being sought more than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M. R.
Civ. P. 54(b).
3. That all available transcripts of the proceedings in this cause have not been
ordered from the court reporter contemporaneously with the filing of this notice of
appeal. If all available transcripts have not been ordered, that Appellant has
complied with the provisions of M. R. App. P. 8(3) contemporaneously with the
filing of this notice of appeal.
4. That included herewith is the filing fee prescribed by statute, or the affidavit to
proceed without payment of the required filing fee prescribed in the Appendix of
Forms as Form 3.

Dated this 26th day of April 2024.

/s/ D. Michael Eakin

D. MICHAEL EAKIN
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Documents were served by the Court's electronic filing system.

Dated this 26th day of April, 2024.

/s/ D. Michael Eakin

D. MICHAEL EAKIN

P.O. Box 2218

Billings, MT 59103

eakin.406law@gmail.com

CERTIFICATE OF SERVICE

I, Dennis Michael Eakin, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 04-26-2024:

Michael Usleber (Attorney)
1278 Cottonwood Blvd
Billings MT 59105
Representing: David Kahl
Service Method: eService

Electronically Signed By: Dennis Michael Eakin
Dated: 04-26-2024