

Morgan B. Hoyt
MOULTON BELLINGHAM PC
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Attorneys for Urban Lifestyle 10 LLC

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 24-0344

GERALD A. UNRUH, MICHAL L.
UNRUH,

Plaintiff - Appellees

-vs-

URBAN LIFESTYLE 10 LLC, a
Washington State limited liability company,

Defendant - Appellant

**AFFIDAVIT OF MORGAN
HOYT IN SUPPORT OF
RULE 26 MOTION**

STATE OF MONTANA)

: ss.

County of Yellowstone)

Morgan Hoyt states:

1. The initial briefing in this matter is currently due August 9, 2024.
2. The original briefing was originally due July 10, 2024.

3. The requested extension to file initial briefs is an extension of 28 days;
4. There is a substantial need for the extension due to a pending Motion to withdraw as counsel in the District Court.
5. I have exercised diligence by attempting to resolve the motion in a timely manner, beginning discussions with Urban in early July.
6. On July 18th, I filed Motion to Withdraw as Counsel citing the Montana Rules of Professional conduct 1.16(b)(1), (5), and (7). (Attached as Exhibit “1”)
7. On July 23rd, I filed a Consent to the to Withdrawal of Counsel signed by Chandra Lacy (attached as Exhibit “2”).
8. On July 25th, the District Court set a hearing on the Motion to Withdraw for August 8th, 2024, one day before the briefing deadline in this matter.
9. Diligence has been exercised during the last two months to resolve the motion to withdraw, in conjunction with the briefing in this matter. The underlying motion in the District Court remains unresolved and additional time is needed to resolve it, along with providing the Appellant’s adequate time to seek new counsel and file its initial briefing. It has been ongoing for over a month, while the withdrawal has remained unresolved.

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MARIE G. TRELMANN
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
October 10, 2027



FILED

07/18/2024

Terry Halpin
CLERK

Yellowstone County District Court
STATE OF MONTANA

By: Ronda Duncan
DV-56-2022-0001356-AU

Souza, Rod
54.00

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Attorneys for Urban Lifestyle 10 LLC

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

MARVIN WAYNE JEWETT ABN A-1
DRILLING,

Plaintiff,

-vs-

GERALD A. UNRUH, MICHAL L. UNRUH, and
URBAN LIFESTYLE 10 LLC, a Washington State
limited liability company,

Defendants.

Cause No. DV-56-2022-0001356
Judge Rod Souza

**MOTION TO WITHDRAW AS
COUNSEL FOR DEFENDANT
URBAN LIFESTYLE 10 LLC**

COMES NOW, Morgan B. Hoyt and Moulton Bellingham PC, and moves the Court for an Order permitting the undersigned attorney and firm to withdraw as counsel of record for Defendant Urban Lifestyle 10, LLC ("Urban") for the reason that professional considerations require termination of the representation in this matter. Montana Professional Rule of conduct 1.16(b)(1), (5), and (7) are applicable here in that withdrawal can be accomplished without material adverse effect on the interests of the client. The client failed to substantially fulfil an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled, and the representation has been rendered unreasonably difficult by the client.

The current deadlines in this matter are:

**MOULTON BELLINGHAM PC
ATTORNEYS AT LAW**

EXHIBIT 1

1. Urban's Reply in Support of its Rule 22 Motion Staying the Execution of the Judgment. **DUE July 22, 2024.**
2. Urban's Initial Appellate Brief. **DUE August 9, 2024.**
3. Appellate Mediation, as mandated by the Supreme Court. **Must be Held before August 12, 2024.**

Urban has a last known address of:

Urban Lifestyle 10, LLC
Seattle Group Real Estate
500 108th Avenue NE Floor 11
Bellevue, WA 98004
deniel@seattlegroupe.com

Pursuant to Mont. Code Ann § 37-761-403(2), counsel has provided notice of this motion and his intent to withdraw to Defendant Urban. Pursuant to Montana Uniform District Court Rule 10, Defendant Urban shall have 21 days to engage another attorney if it so chooses.

As required by Mont. Cod Ann. § 37-61-404, a copy of this Motion and proposed Order are provided to Defendants Gerald A. Unruh and Michal L. Unruh through their attorney of record and they do not object to this Motion. Plaintiffs are no longer parties in this case.

DATED this 18th day of July, 2024.

MOULTON BELLINGHAM PC

By /s/ Morgan B. Hoyt
MORGAN B. HOYT
27 North 27th Street, Suite 1900
P. O. Box 2559
Billings, Montana 59103-2559

Attorneys for Urban Lifestyle 10 LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July 2024, a copy of the foregoing document was served upon the following persons by the following means:

- _____ Hand Delivery
- _____ Mail
- _____ Overnight Delivery Service
- _____ Fax
- x E-mail

Urban Lifestyle 10, LLC
Seattle Group Real Estate
500 108th Avenue NE Floor 11
Bellevue, WA 98004
deniel@seattlegroupe.com

Eric Edward Nord
CRIST, KROGH, ALKE & NORD, PLLC
The Securities Building
2708 First Avenue North, Suite 300
Billings, MT 59101
enord@crislaw.com

 /s/ Morgan B. Hoyt

CERTIFICATE OF SERVICE

I, Morgan B. Hoyt, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 07-18-2024:

Eric Edward Nord (Attorney)
2708 First Avenue North
Suite 300
Billings MT 59101
Representing: MICHAL LYNN UNRUH, Gerald A. Unruh
Service Method: eService

W. Scott Green (Attorney)
Patten, Peterman, Bekkedahl & Green, PLLC
2817 2nd Ave. N. Suite 300
P.O. Box 1239
Billings MT 59103-1239
Representing: Marvin Wayne Jewett ABN A-1 Drilling
Service Method: eService

Urban Lifestyle 10, LLC
Seattle Group Real Estate
500 108th Avenue NE
Floor 11
Bellevue WA 98004
Service Method: Email
E-mail Address: deniel@seattlegroupe.com

Electronically signed by Marcie Treumann on behalf of Morgan B. Hoyt
Dated: 07-18-2024

FILED

07/23/2024

Terry Halpin
CLERK

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Defendants.

Cause No. DV-56-2022-0001356
Judge Rod Souza

CONSENT TO THE
WITHDRAWAL OF COUNSEL
FOR UBAN LIFESTYLE 10 LLC

Pursuant to Uniform District Court Rule 10 and Mont. Code Ann. § 37-61-403(1), Urban Lifestyle 10, LLC, hereby provides notice that it consents to the withdrawal of Morgan B. Hoyt of Moulton Bellingham PC as its attorney in this matter, and hereby provide notice to the Court and parties of the withdrawal of Morgan B. Hoyt and Moulton Bellingham PC as counsel of record in the above-captioned matter.

Urban Lifestyle 10, LLC has an address of:

500 108th Ave NE Floor 11
Bellevue, WA 98004

///

MOULTON BELLINGHAM PC
ATTORNEYS AT LAW

EXHIBIT 2

DATED this 19 day of July, 2024.

MOULTON BELLINGHAM PC

By 
Morgan B. Hoyt

URBAN LIFESTYLE 10, LLC

By: _____
Chandra Lacy
Its:

By: _____
Deniel Yi
Its:

CERTIFICATE OF SERVICE

I, Morgan B. Hoyt, hereby certify that I have served true and accurate copies of the foregoing Notice - Consent to the following on 07-23-2024:

Eric Edward Nord (Attorney)
2708 First Avenue North
Suite 300
Billings MT 59101
Representing: Gerald A. Unruh, MICHAL LYNN UNRUH
Service Method: eService

W. Scott Green (Attorney)
Patten, Peterman, Bekkedahl & Green, PLLC
2817 2nd Ave. N. Suite 300
P.O. Box 1239
Billings MT 59103-1239
Representing: Marvin Wayne Jewett ABN A-1 Drilling
Service Method: eService

Electronically signed by Marcie Treumann on behalf of Morgan B. Hoyt
Dated: 07-23-2024