

IN THE CIRCUIT COURT OF JOHNSON COUNTY, ARKANSAS
CIVIL DIVISION

Ken Skrien

PLAINTIFF

CASE NO. 36CV-24-165

v.

Todd Anthony Matyjasik
Samantha Presley Matyjasik
Abigail Johnson
Faith Johnson

DEFENDANTS

MOTION FOR EX PARTE WRIT OF ASSISTANCE

COMES NOW the Plaintiff (Landlord), Ken Sebastian Skrien, pro se, and
for his Motion for Ex Parte Writ of Assistance states as follows:

1. In December of 2023 Plaintiff and Defendant had agreed to allow
Defendant to remain at 1069 Highway 215, Oark, AR for the remainder
of the school year for the benefit of the minor child residing on the
Property.
2. On or about June 1st, 2024, and unbeknownst to Plaintiff, Nail-Swain
Water Association turned off water to the Property.

3. On June 27th, 2024 Defendants were served proper Notice to Quit but refused to vacate property.
4. Plaintiff left town on July 16th, and Property was still occupied.
5. Upon Plaintiffs return on July 23, no one appeared present and Arkansas Valley Electric had turned off electricity, however Defendants USPS mail was still being delivered to and retrieved from the Property.
6. Plaintiff has had limited access to the property for maintenance and repairs and has found significant damages including deliberate vandalism. Bathrooms toilets are filled with human feces, with spattering of such throughout the room. Other rooms contain significant animal feces and floors rotting from urine and other liquids. Trash and personal belongings are strewn throughout the home. Roof leaks and electrical hazards had been hidden by the Defendants during their tenancy. Plaintiff cannot repair damages due to the overwhelming presence of Defendants personal items deliberately strewn about the rooms. Photos of such can be made available at the Courts request, however Plaintiff is not submitting any with this request for fear of doing so violating Defendants privacy rights.

7. Defendants abandoned approximately twelve cats at the Property without providing for food and water. Plaintiff has been leaving basic sustenance for these animals outside the home, but cannot aid in their care further or get them fixed while Defendants maintain possession of the home, and as such possession of the animals as well.
8. Defendants have refused to communicate with Plaintiff, responding once with "Stop messaging me" and then ignoring all further attempts at communication.
9. Defendants have been specifically asked if they have left and are not returning, but decline to answer. Defendants have repeatedly threatened Plaintiff with baseless litigation once they were aware their tenancy was ending. As Arkansas law prohibits landlords from self help eviction, Plaintiff cannot assume Defendants are gone. Changing the locks and removing Defendants property without Defendants or the Court declaring such abandoned exposes Plaintiff to liability.
10. At some point in late August, Defendants put a hold on USPS mail at the address, continuing to exercise possession of the property. This is a shared mailbox, and Defendants hold interferes with Plaintiffs mail delivery as well. As USPS only allows holds for the lawful occupants of

a property, this hold will be terminated when Plaintiff is granted possession of the Property.

11. Plaintiffs private home is on the same parcel as the Property being contested. Since returning on July 12, Plaintiff has not observed any sign of Defendants continued presence at the Property with the exception of USPS mail delivery.
12. As their whereabouts are unknown, Plaintiff has been unable to serve Defendant with Summons and a copy of the Complaint, as Defendants appear to be dodging such. Despite the current mail hold, Plaintiff did not claim the certified mail Summons that was sent (EXHIBIT G). Plaintiff has also attempted to reach Defendants at various physical or email addresses and telephone numbers believed to be associated with them.
13. Defendant appears to be maliciously holding onto possession of the Property as long as possible in an attempt to cause as much damage as possible.
14. Without lawful possession of the Property Plaintiff cannot prevent further damages to the structure or prevent it from being further overrun by cats.

15. Plaintiff will continue to attempt service upon Defendants through a Warning Order prior to requesting final judgement for damages.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests the Court issue a Writ of Possession on grounds of Abandonment for immediate possession of the property by the Landlord.

Plaintiff further requests that the Court deem items unclaimed by Defendants within seven (7) days of the Sheriffs execution of the Writ of Possession abandoned, granting Plaintiff permission to dispose of such in any lawful manner.



PLAINTIFF

1072 Highway 215

Oark, AR 72852