

IN THE MATTER OF	§	IN THE DISTRICT COURT THE
MARRIAGE OF	§	
	§	
GWENDOLYN ULIJASZ-MCKEMIE	§	<u>302nd</u> JUDICIAL DISTRICT
&	§	
JASON MCKEMIE	§	DALLAS COUNTY, TEXAS

(PROPOSED)

ORDER ON EMERGENCY MOTION TO TEMPORARILY STAY OR IMPOSE PROTECTIVE CONDITIONS ON PROPERTY RETRIEVAL DUE TO MEDICAL INCAPACITY

On this day, the Court considered **Jason McKemie’s Emergency Motion to Temporarily Stay or, in the Alternative, Impose Protective Conditions on Court-Authorized Property Retrieval**. The Court finds that emergency relief is warranted to prevent irreparable harm, preserve the status quo, and protect the integrity of the proceedings, and that Respondent’s medical incapacity further heightens the need for immediate and continuing protective conditions.

THE FOLLOWING PRELIMINARY FINDINGS AND BASELINE PROTECTIONS ARE ORDERED:

0. Applicability of Protective Conditions.

Regardless of whether a temporary stay is granted, the Court finds that Respondent’s medical incapacity necessitates baseline protective conditions. Accordingly, the prohibitions on access during hospitalization, personal entry by Petitioner, removal of property by Petitioner, and preservation of property set forth below **shall apply at all times while Respondent is medically incapacitated and until further order of the Court.**

A. TEMPORARY STAY (PRIMARY RELIEF)

1. Stay of Property Retrieval.

All property retrieval, access, or “clean-out” activity is **STAYED** during Respondent’s inpatient hospitalization and for **five (5) days following discharge**, or until further order of the Court, whichever occurs first.

2. No Adjudication of Ownership.

This stay is temporary in nature and **does not adjudicate ownership, possession, or final division of property.**

B. PROTECTIVE CONDITIONS GOVERNING ANY ACCESS *(Applicable Regardless of Stay Determination)*

3. **No Access During Hospitalization.**

No access shall occur while Respondent is inpatient or hospitalized.

4. **Neutral Third-Party Retrieval Only; No Personal Entry.**

Any permitted retrieval shall be conducted **exclusively** by a neutral third party (bonded mover and/or neutral supervisor). **Petitioner shall not personally enter the residence.**

5. **Pre-Filed Itemized List.**

Petitioner shall **file** a written, itemized list identifying each specific item sought. Retrieval is limited strictly to personal effects, and **only items on the filed list may be removed.**

6. **Defined Scope; Excluded Categories and Areas.**

a. No person may remove documents, computers, electronics, storage media, safes, records, tools, office contents, fixtures, or any item not listed.

b. Respondent shall move any remaining Petitioner belongings previously located in the downstairs office into a designated retrieval area.

c. **No entry is permitted into any offices on Floors 1 or 2**, which shall be used exclusively to store Respondent's artifacts.

7. **No Search; No Devices; No Recording.**

Retrieval shall be limited to item pickup only. **No searching, rummaging, inspection activity, tracking devices, or recording devices are permitted.**

8. **Inventory and Photographs.**

The neutral third party shall inventory and photograph all items removed and provide copies to both parties within **twenty-four (24) hours** of retrieval.

9. **Negative Inventory; No Attribution.**

Any listed item not present at the residence at the time of retrieval shall be deemed already removed or not present and **shall not be attributed to Respondent.**

10. **Single, Time-Limited Access.**

One (1) access event only, limited to **[2-3] hours**, on the scheduled retrieval date, conducted solely by the neutral third party. **No repeat entries** absent further order of the Court.

11. **Preservation of Property.**

Petitioner shall take **no action** to remove, destroy, conceal, alter, or transfer any household property pending further order of the Court.

C. SECURITY CAMERA STATUS QUO

12. No Alteration to Existing Security System.

The residence is equipped with security cameras that automatically record upon detection of motion and/or sound. These cameras operated in this manner throughout the marriage and were installed in response to Petitioner's prior safety representations.

- a. No changes have been made to the system's configuration, scope, or operation.
- b. The system shall remain in **status quo** condition.
- c. No unauthorized surveillance, monitoring, or modification has occurred or is permitted.

D. ESSENTIAL LIVING PROPERTY — EXPRESS EXCLUSION

13. Protected Essential Items.

Because Respondent is medically compromised and lacks access to funds or credit, **no essential living or medical items may be removed**, including but not limited to: a bed and bedding, mattress, pillows, basic sleeping furniture, clothing, personal toiletries, prescribed medications, medical equipment or supplies, food, kitchen essentials, and hygiene items.

No essential living item shall be removed absent further order of the Court.

E. PRESERVATION OF PROPERTY IN EVENT OF EVICTION OR LOSS OF POSSESSION

14. No Entry or Removal by Petitioner Upon Eviction or Loss of Possession.

In the event Respondent is dispossessed of the residence for any reason, including eviction or execution of a writ of possession, **Petitioner is expressly prohibited** from entering the premises or removing any personal or marital property.

15. Landlord or Lawful Authority Control of Property.

Any removal, inventory, storage, or handling of personal or marital property following such dispossession shall be conducted **exclusively by the landlord or other lawful authority**, not by Petitioner, with written inventory preserved pending further order of the Court.

F. REPEATED PRIOR ACCESS WITHOUT RESOLUTION

16. The Court finds that Petitioner has previously been permitted multiple opportunities to retrieve personal property, which did not resolve the issue and increased disputes. Under the present circumstances—

particularly Respondent's medical incapacity—further unrestricted access creates an unreasonable risk of irreparable harm and necessitates **court-imposed structure, supervision, and finality**.

G. CONTINUING JURISDICTION

17. This Order shall remain in effect until further order of the Court.

SIGNED on January _____, 2026 at ____:____ am / pm (Circle One).

JUDGE PRESIDING

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Case Contacts

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