

MAR 18 2014

Cause No. D-1-GV-14-000306

At 11:34am M.
Amalia Rodriguez-Mendoza, Clerk

STATE OF TEXAS

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IN THE DISTRICT COURT OF

Plaintiff

v.

TRAVIS COUNTY, TEXAS

JOSE PEREZ and ROSA HILDA
PEREZ

Defendants

419th JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

On this day the State of Texas, through its Attorney General, Plaintiff in the above-entitled and numbered cause, presented to the Court its application for temporary restraining order and order to show cause. The Court, having considered the contents of Plaintiff's verified application, is of the opinion that the temporary restraining order should be granted pending hearing on the State's application for temporary injunction.

The Court finds that there is a genuine threat that the Defendants will continue to operate a mobile home subdivision without obtaining approval from Hidalgo County and without providing adequate drinking-water and sewer services for the property located at 1363 Castillo Street Donna, Texas, in violation of Tex. Local Gov't Code §§ 232.023, 232.031, and 232.035; and the Hidalgo County Subdivision Rules, Title M, Chapter 2, Sections 2.2(a)(1), 2.3(a) and 2.3(b). The Court also finds that there is a

genuine threat that the Defendants will continue to cause a public nuisance in violation of Tex. Health & Safety Code § 341.011.

I. TEMPORARY RESTRAINING ORDER

IT IS THEREFORE ORDERED that Defendants Jose Perez and Rosa Hilda Perez and all of their agents, employees, and those persons in active concert or participation with them, are temporarily restrained as follows:

1.1 As used in this temporary restraining order, the following term has the meaning set forth below:

- A. "Property" means two properties described as the West One-Half of Lot 7, and the West One-Half of Lot 6 of Victoria Acres, Unit No. 2, a Resubdivision of the North 8.7 acres of Lot 23, La Blanca Agricultural Company's Subdivision "A" of the land in La Blanca Grant, Hidalgo County, Texas, according to the map recorded in Volume 20, Page 172 of the Map Records in the Office of the County Clerk of Hidalgo County, Texas. The Property is located at 1363 Castillo Street Donna, Texas.

1.2 Jose Perez and Rosa Hilda Perez must immediately cease allowing any new tenants to occupy any permanent structure or mobile home at the Property.

1.3 Jose Perez and Rosa Hilda Perez must immediately cease accepting any form of rent payments from tenants at the Property until further order of the Court.

1.4 Jose Perez and Rosa Hilda Perez must allow investigators with the Office of the Attorney General access to the Property at any time between the hours of 8:00 a.m. and 8:00 p.m., Monday through Friday, to verify Defendants' compliance with this temporary restraining order.

1.5 The State of Texas is exempt from posting bond pursuant to Tex. Civ. Prac. & Rem. Code § 6.001(a) and Tex. Water Code § 16.353(b).

1.6 This temporary restraining order expires on March 31, 2014 at 5:00 p.m.

II. ORDER TO SHOW CAUSE

2.1 IT IS FURTHER ORDERED that Defendants Jose Perez and Rosa Hilda Perez appear before the District Court of Travis County, Central Settings Docket, on April 14, 2014, at 2:00 p.m., to there and then show cause why a temporary injunction should not be issued to restrain violations of, and compel compliance with the Texas Local Government Code, Chapter 232, Subchapter B and the Model Subdivision Rules adopted by Hidalgo County, as requested in the Plaintiff's Original Petition.

2.2 IT IS FURTHER ORDERED that the Clerk of the Court issue notice for service upon Jose Perez and Rosa Hilda Perez of the place and time of the hearing described above, and attach a copy of this order and a copy of the Plaintiff's Original Petition.

SIGNED this March 18, 2014, at 11:30 a.m.


STEPHEN YELENOSKY
DISTRICT JUDGE

APPROVED AS TO FORM:

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JOHN B. SCOTT
Deputy Attorney General for Civil Litigation

JON NIERMANN
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