

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
Plaintiff	§	
v.	§	
	§	
ANDREW S. HUIZAR and	§	
EDWARD S. HUIZAR	§	BEXAR COUNTY, TEXAS
f/d/b/a A&E Investments	§	
f/d/b/w Harper Enterprises	§	
f/d/b/w Dilley Mobile Homes	§	
and	§	
	§	
DAVID BARROSO	§	
d/b/a SWEET HOMES	§	
Defendants	§	<u>407TH</u> JUDICIAL DISTRICT

TEMPORARY INJUNCTION

On this 10th day of October, 2006, came on for hearing the above entitled and numbered cause, in which the State of Texas is Plaintiff and ANDREW S. HUIZAR, EDWARD S. HUIZAR and DAVID BARROSO are Defendants. Plaintiff appeared by and through its attorney of record, Assistant Attorney General Raúl Noriega, at which time the State announced ready for hearing. All

except Barroso Defendants ^were served with process and with the Extended Temporary Restraining Order of September 26, 2006 and were duly notified of the hearing.

ANDREW S. HUIZAR: ___ appeared by and through attorney _____
___ appeared *pro se* did not appear.

EDWARD S. HUIZAR appeared by and through attorney Steve Price
___ appeared *pro se* ___ did not appear.

DAVID BARROSO: ___ appeared by and through attorney _____
___ appeared *pro se* ___ did not appear.

It appears to the court after having read the pleadings and having heard and considered the agreement of the parties, that Plaintiff and the Defendants agree to the entry of this temporary injunction restraining Defendants from engaging in certain practices alleged to be unlawful.

It further appears to the court that by virtue of agreement or by default, Plaintiff is entitled

to the temporary injunction as hereinafter granted, without bond, same being within its allegations and prayer. The court issues this injunction because the undersigned Defendants have agreed, the rest have not appeared though notified of this hearing, and because it is clear that none of the Defendants have a license to be engaged in the retail sale of manufactured homes.

IT IS THEREFORE ORDERED that ANDREW S. HUIZAR, EDWARD S. HUIZAR and DAVID BARROSO, doing business in their own name or any assumed name, their officers, agents, servants, employees and attorneys and those other persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, are ENJOINED from engaging in the following acts:

A) Selling manufactured homes to consumers without providing the consumer with good and marketable title with all back rent and taxes paid and free of all liens and encumbrances, in violation of TEX. OCC. CODE §1201.451;

B) Selling manufactured homes to consumers without providing the consumer with a written 60 day warranty of habitability, in violation of TEX. OCC. CODE §1201.455;

C) Selling manufactured homes to consumers without providing the consumer with a notice regarding formaldehyde, in violation of TEX. OCC. CODE §1201.153;

D) Selling manufactured homes to consumers without providing the consumer with the required disclosures, including a notice of a right of rescission, in violation of TEX. OCC. CODE §1201.162 and 1201.1521;

E) Selling manufactured homes to consumers without contractually providing that a bond identified to a license and on file with the MHD applies to a sale being made to a consumer, in violation of TEX. OCC. CODE §§1201.107, 1201.603;

F) Using, allowing, or causing salespersons or employees who do not possess a license duly issued by MHD, to sell or install manufactured homes;

G) Selling manufactured homes to anyone without a license duly issued by MHD;

H) Accepting deposits or purchase money for the purchase of a home, then failing to provide the home or refund the deposit or purchase money as required by statute or within 14 days of the sale;

I) Promising appliances, benefits, or attachments to induce the sale of a home, then failing

to provide the appliances, benefits, or attachments upon tender or delivery of the purchased home;

J) Lending, renting, leasing, or allowing another person to use for any reason or for any consideration, a license issued by MHD which is not in the name of the person to whom the license was issued;

K) Using, borrowing, or paying another person to use, for any reason or for any consideration, a license issued by MHD in order to advertise, promote, accept consideration for, or engage in, sales or installation of manufactured homes; or

L) Promoting, purchasing for resale, brokering, advertising, selling, marketing, or installing, manufactured homes or in any way, directly or indirectly, working in the manufactured housing industry during the pendency of this cause.

M) Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, from any financial institution (or from safe deposit boxes therein) or from the jurisdiction of this Court, any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal, or mixed, wherever situated, belonging to or owned by, in the possession of, or claimed by said Defendants without notice to Plaintiff and the express approval of this Court.

N. Destroying, altering, mutilating or otherwise disposing of or changing any records related to any defendant or entity in which any defendant has an ownership interest.

II. RELIEF BY WAY OF MANDATORY ORDERS

IT IS FURTHER ORDERED THAT ANDREW S. HUIZAR, EDWARD S. HUIZAR, and DAVID BARROSO, doing business in their own name or any assumed name, their officers, agents, servants, employees, attorneys, **banks and financial institutions** and any other person in active concert or participation with them who receive notice of this order are ordered to:

A) Reveal to the Office of Attorney General within 5 days from receiving notice of this order, the last known names, addresses, and telephone numbers of all persons with whom Defendants are currently engaged in any presently pending sales of manufactured homes to consumers;

B) Reveal to the Office of Attorney General within 5 days from receiving notice of this order, the names, addresses, and telephone numbers of all persons, finance companies, mortgage companies, or businesses from whom Defendants are currently engaged in any presently pending

purchases of manufactured homes or in which they have accounts, including the balances, account numbers, safe deposit numbers, opening and closing dates, and funds removed to open and close the account, at all such banks, finance companies, mortgage companies, or institutions;

C) Reveal to the Office of Attorney General the HUD label numbers and serial numbers of all manufactured homes which Defendants are currently engaged in the process of buying or selling; and

D) Immediately rescind any pending consumer sales in Texas and return to such consumers any funds which you may have received from such persons as payments for manufactured homes, for all sales in which the manufactured home has not already been delivered to the consumer's lot or designated place for delivery.

Trial on the merits before the court is set for the 12th day of February, 2007 at 9:00 a. m.

OCT 10 1006

SIGNED this _____ day of _____, 2006.

CRT

/S/ David Berchermann
JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

/S/
RAUL NORIEGA
Assistant Attorney General
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Defendant

_____/S/_____
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Tel. Nos. 210-697-9343 or 210-643-9689
Defendant

DAVID BARROSO
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_____/S/_____
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