

NO. D-1-GV-07-002134

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
	§	
MANUEL J. MONTEMAYOR,	§	
dba MG JOINT VENTURE	§	353rd JUDICIAL DISTRICT

TEMPORARY INJUNCTION

ON THIS DAY the State of Texas, by and through Texas Attorney General Greg Abbott, presented to the Court its application for temporary injunction. Defendant, having been served with citation and order to show cause, with notice of the date and time of hearing, failed to appear. The Court, having considered the contents of Plaintiff’s petition, and after hearing the evidence and argument of counsel, is of the opinion that the temporary injunction should be granted.

I.

IT IS THEREFORE ORDERED that the Defendant, Manuel J. Montemayor, dba MG Joint Venture, and his officers, agents, employees, and those in concert or participation with them, are temporarily enjoined from subdividing, advertising, and selling property in violation of TEX. LOCAL GOV’T CODE, Chapter 232, Subchapter B.

II.

IT IS FURTHER ORDERED that the Defendant, Manuel J. Montemayor, dba MG Joint Venture, is temporarily enjoined to complete one of the following two compliance

options for the twenty-six (26) lot residential subdivision, Tierra Linda Gardens, located in Cameron County on the south side of Papaya Drive, east of the intersection of Papaya Drive and Old Alice Road, south of Highway 100, near Los Fresnos, Cameron County, Texas, at Defendant's choosing:

Option 1. Refund of Deposits, Payments made and Cancellation of Subdivision. Within thirty days of the signing of the temporary injunction by the Court, Defendant shall mail or hand-deliver to each of the lot purchasers a letter explaining that the "Lot Reservation/Sales Agreement" is canceled and the deposit and all payments made will be returned, and enclose a certified or cashier's check containing the amounts identified and verified as owed. Also within thirty days, Defendant shall mail to David Preister, Assistant Attorney General, copies of all correspondence and checks as evidence of compliance.

Option 2. Platting of Subdivision. Within thirty days of the signing of the temporary injunction by the Court, Defendant shall apply to the Cameron County Department of Engineering for approval of a subdivision plat in accordance with LOCAL GOV'T CODE, Chapter 232, Subchapter B and the applicable Model Subdivision Rules. For lots already sold or otherwise under a sales contract, Defendant shall install or have installed water and sewage facilities meeting minimum state standards as described in the Model Subdivision Rules. For all unsold lots, Defendant shall submit to the Cameron

County Department of Engineering financial assurance for the installation of water and sewer facilities meeting minimum state standards in the form of a bond, letter of credit, or other financial assurance authorized by the Model Subdivision Rules.

III.

IT IS FURTHER ORDERED that this case is set for trial on the merits on the 17th day of March, 2008, at 9 a.m.

SIGNED this 20th day of November, 2007.

Gisela D. Triana _____
JUDGE PRESIDING