

Cause No. 2012-47041

FILED
Chris Daniel
District Clerk
AUG 16 2012
Harris County, Texas
Time: _____
By: _____

THE STATE OF TEXAS
Plaintiff

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

v.

11505 KEEGANS RIDGE
PARTNERS, L.L.C. AND THE REAL
PROPERTY KNOWN AS 11505 KEEGANS
RIDGE ROAD
Defendants

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11 JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION FOR ABATEMENT OF A NUISANCE
AND APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS
AND REQUEST FOR DISCLOSURE

NOW COMES THE STATE OF TEXAS, plaintiff, by and through Harris County Attorney Vince Ryan, complaining that defendant, 11505 Keegans Ridge Partners, L.L.C., owner of the Point of the Southwest, a Brays Oaks apartment complex with the address of 11505 Keegans Ridge Road, is causing a common nuisance by habitually harboring criminal activity, including drug offenses, robberies, and other crimes. Plaintiff seeks temporary and permanent injunctions to abate the nuisance under Chapter 125 of the Texas Civil Practice & Remedies Code and herein files this its Original Petition for Abatement of a Nuisance and Application for Temporary and Permanent Injunctions and Request for Disclosure, and in support of this action would show the following:

I. Discovery Control Plan

1. The State of Texas intends for this case to be governed as a Level II Discovery Plan in accordance with Rule 190.3 of the Texas Rules of Civil Procedure.

II. Parties

2. Plaintiff is the State of Texas and is appearing and proceeding by and through Harris County Attorney Vince Ryan's Office in accordance with Tex. Civ. Prac. & Rem. Code Ann. § 125.002 (Vernon 2011). As provided by Section 6.001 of Texas Civil Practices & Remedies Code, no bond is required of plaintiff.

3. Defendant 11505 Keegans Ridge Partners, L.L.C. is the owner of 11505 Keegans Ridge Road, ("Property") and may be served by serving its registered agent, Shabahram Yazdani-Beioky at 10405 Town and Country Way # 105, Houston, Texas 77024.

4. Defendant 11505 Keegans Ridge Road, Houston, Texas 77031 is sued *in rem* under Tex.Civ.Prac.& Rem Code Ann. 125.002(b). It can be served by serving the owner of the Property, 11505 Keegans Ridge Partners, L.L.C., by serving its registered agent, Shabahram Yazdani-Beioky at 10405 Town and Country Way # 105, Houston, Texas 77024.

III. Jurisdiction and Venue

5. This court has subject matter and personal jurisdiction over the cause and the parties thereto based on the Texas Civil Practice and Remedies Code Annotated § 125.002(a) (Vernon 2011) for the reasons that the property made the basis of this cause is being maintained as a common nuisance as contemplated by Chapter 125 of the Civil Practice and Remedies Code.

6. Venue of this cause is proper in this court, based on Texas Civil Practice & Remedies Code Annotated § 15.016 (Vernon 2002). More particularly, Section 125.002 (a) of the Texas Civil Practices & Remedies Code prescribes mandatory venue of an action to

enjoin and abate a common nuisance in the county in which it is alleged to exist. Section 15.016 of the Texas Civil Practice & Remedies Code provides that an action for which venue is made mandatory by a statute shall be brought in the county required under the statute. The real property upon which defendants 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road are maintaining a common nuisance is located in Harris County, Texas.

IV. Statutory Basis for Suit under Tex. Civ. Prac. & Rem. Code Ann. Chapter 125

7. Tex. Civ. Prac. & Rem. Code Ann. §125.0015(a) states that “[a] person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance.” The “purposes’ that give rise to a Chapter 125 nuisance are as follows:

- (1) Discharge of a firearm in a public place as prohibited by the Penal Code;
- (2) Reckless discharge of a firearm as prohibited by the Penal Code;
- (3) Engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;
- (4) Delivery, possession, manufacture, or use of a controlled substance in violation of Chapter 481 of the Health and Safety Code;
- (5) Gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;
- (6) Prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;
- (7) Compelling prostitution as prohibited by the Penal Code;
- (8) Commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;
- (9) Aggravated assault as described by Section 22.02 of the Penal Code;

- (10) Sexual assault as described by Section 22.011 of the Penal Code;
- (11) Aggravated sexual assault as described by Section 22.021 of the Penal Code;
- (12) Robbery as described in Section 29.02 of the Penal Code;
- (13) Aggravated robbery as described by Section 29.03 of the Penal Code;
- (14) Unlawfully carrying a weapon as described by Section 46.02 of the Penal Code;
- (15) Murder as described by Section 19.02 of the Penal Code;
- (16) Capital murder as described by Section 19.03 of the Penal Code;
- (17) Continuous sexual abuse of a young child or children as described by Section 21.02 of the Penal Code;
- (18) Massage therapy or other massage services in violation of Chapter 455 of the Occupations Code.
- (19) Employing a minor at a sexually oriented business as defined by Section 243.002, Local Government Code;
- (20) Trafficking of persons as described by Section 20A.02, Penal Code;
- (21) Sexual conduct or performance by a child as described by Section 43.25, Penal Code; or
- (22) Employment harmful to a child as described by Section 43.251, Penal Code.

Section 125.0015(a) (1)-(22)(Vernon Supp.2012).

8. A person maintains a common nuisance if the person maintains a multiunit residential property to which persons habitually go to commit acts listed in Section 125.0015 (a), listed above, and knowingly tolerates the act and furthermore fails to make reasonable attempts to abate the acts. Tex. Civ. Prac. & Rem. Code Ann. § 125.0015 (b) (Vernon Supp. 2012).

9. Section 125.004(a) provides that “[p]roof that and activity described by Section 125.0015 is frequently committed at the place involved or that the place is frequently used for an activity described by Section 125.0015 is prima facie evidence that the defendant knowingly tolerated the activity.” Section 125.004(b) states that “[e]vidence that persons have been arrested for or convicted of offenses for an activity described by Section 125.0015 in the place involved is admissible to show knowledge on the part of the defendant with respect to the act that occurred.”

10. There were almost 300 calls for service to Houston Police about incidents occurring at the 251-unit Point of the Southwest apartment complex at 11505 Keegans Ridge Road from May 2010 until April 2012, according to Houston Police Department records. Among the police reports generated from these incidents in the above period are possession or delivery of a controlled substance, aggravated assaults, aggravated robbery and aggravated sexual assault.

11. Defendants have knowingly tolerated this Chapter 125 and have allowed such activity to occur habitually on the Property. In light of the foregoing, as a matter of law, the Property constitutes a common nuisance within the meaning of Chapter 125.

V. Request for Temporary Injunctive Relief

12. The area in and around the Point of the Southwest apartment complex at 11505 Keegans Ridge Road is knowingly maintained as a place where drug offenses, assaults, robberies, and other crimes under Chapter 125 of the Texas Civil Practice & Remedies Code are committed. As such the property constitutes a common nuisance as defined by Section 125.0015(a) of the Texas Civil Practice & Remedies Code.

13. Defendants 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road have failed or refused to abate the nuisance. Defendants 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road, are likely to continue to maintain the property as a common nuisance unless restrained by an injunctive order of the court.

14. In accordance with Tex. Civ. Prac. & Rem. Code Ann. § 125.045(a) (Vernon Supp.2012), if, after notice and hearing on a request by a petitioner for a temporary injunction, a court determines that the petitioner is likely to succeed on the merits in a suit brought under Section 125.002 (Suit to Abate Common Nuisance), the court shall require that the defendant execute a bond. The bond must be payable to the STATE OF TEXAS at Harris County; be in the amount set by the court, but no less than \$5,000 nor more than \$10,000; have sufficient sureties approved by the court; and be conditioned that the defendants will not knowingly allow a common nuisance to exist at that place.

15. Based on Section 125.002(e) of the Texas Civil Practice & Remedies Code, if the judgment is in favor of the petitioner, the court shall grant an injunction ordering defendants 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road to abate the nuisance and be enjoined from maintaining or participating in, the common nuisance existing on the Property. The court may include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance.

16. Because the plaintiff brings this action *in rem*, the judgment shall be a judgment *in rem* against both the Property as well as against the defendants, according to Section 125.002(b) and (e) of the Texas Civil Practice & Remedies Code.

17. Pursuant to Section 125.003(a) of the Texas Civil Practice & Remedies Code, should any condition of the bond or any injunctive order by this court be violated, suit upon the bond in the name of the State of Texas should be allowed; and upon a showing of a violation of any condition of the bond or injunctive order, the whole sum of the bond should be ordered forfeited to Harris County, Texas, the originating entity. The place where the nuisance exists should be ordered closed for one year from the date of the order of bond forfeiture.

18. In accordance with Tex.Civ.Prac. & Rem. Code Ann. § 125.002(d), a person who violates a temporary or permanent injunctive order is subject to the following sentences for civil contempt:

- a. fine of not less than \$1,000 or more than \$10,000;
- b. confinement in jail for a term of not less than 10 or more than 30 days;
- c. both a fine and confinement.

19. In accordance with Tex. Civ. Prac. & Rem. Code Ann. § 125.045(b) (Vernon Supp.2012), if a defendant violates the temporary or permanent injunction, the court may:

- (1) order a political subdivision to discontinue the furnishing of utility services to the place at which the nuisance exists;
- (2) prohibit the furnishing of utility service to the place by any public utility holding a franchise to use the streets and alleys of the political subdivision;
- (3) revoke the certificate of occupancy of the place;
- (4) prohibit the use of city streets, alleys, and other public ways for access to the place during the existence of the nuisance or in furtherance of the nuisance;

(5) limit the hours of operation of the place, to the extent that the hours of operation are not otherwise specified by law:

(6) order a landlord to terminate a tenant's lease if:

A. the landlord and the tenant are parties to the suit; and

B. the tenant has violated a condition of the injunctive order; or

(7) order any other legal remedy available under the laws of the state.

VI. Request for Permanent Injunctive Relief

20. Additionally, the State of Texas seeks permanent injunctive relief.

21. As alleged above, the Point of the Southwest apartment complex at 11505 Keegans Ridge Road in Houston, Texas is knowingly maintained as a place to which persons go and use for purposes of possession, use, or delivery of controlled substances in violation of the Texas Health & Safety Code and is a location where assaults, robberies, and other crimes listed in the Texas Civil Practice & Remedies Code Chapter 125 are committed. And as such, the property constitutes a common nuisance under Section 125.0015 of the Texas Civil Practice & Remedies Code.

22. Defendants, 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road, have failed or refused to abate the nuisance. Defendants 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road, are likely to continue to maintain and use, and be party to the maintenance and use of the Point of The Southwest apartment complex at 11505 Keegans Ridge Road as a common nuisance unless restrained by an injunctive order of this Court.

23. Based on Section 125.002(e) of the Texas Civil Practice & Remedies Code, when the petitioner brings an action *in rem* and the judgment is in favor of the petitioner, the court

must order that the Point of the Southwest apartment complex at 11505 Keegans Ridge Road be closed for one year after the date of the judgment.

24. Because the plaintiff brings this action *in rem*, the judgment shall be a judgment *in rem* against the Property as well as against defendants, 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road, according to Section 125.002(b) and (e) of the Texas Civil Practice & Remedies Code.

VII. Attorney's Fees

25. In order to litigate this case, it was necessary to secure the services of the Harris County Attorney's office. Pursuant to Tex. Civ. Prac. & Rem. Code Ann. §125.003, the State of Texas requests that defendants be adjudged jointly and severally liable for Harris County's reasonable attorneys' fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

VIII. Bond

26. Pursuant to Section 6.002 of the Texas Civil Practice & Remedies Code, there is no bond required of the plaintiff in bringing this suit. Additionally, pursuant to Section 125.002 of the Texas Civil Practice & Remedies Code, the plaintiff is not required to verify the allegations set forth in this petition, nor show any proof of personal injury by the acts complained herein.

IX. Request for Disclosure

27. Under Texas Rule of Civil Procedure 194, plaintiff requests that defendants disclose, within 50 days of service of this request, the information or material described in Rule 194.2.

X. Prayer

WHEREFORE, PREMISES CONSIDERED, plaintiff respectfully requests that:

28. After notice and a hearing on a request for a temporary injunction, the court orders defendants, 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge or any other person with an interest in the Property, to execute a bond payable to the STATE OF TEXAS at Harris County; be in the amount set by the court, but not less than \$5,000, nor more than \$10,000; have sufficient sureties approved by the court; and be conditioned that the defendants will not knowingly maintain a common nuisance to exist at that place;

29. If the court determines that defendants, 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road, are maintaining a common nuisance at the property, the court render any order allowed by law as necessary to abate the common nuisance;

30. Upon a showing by the plaintiff that any temporary or permanent injunctive order by this court has been violated, the person in violation of said order be subject to the following sentences for civil contempt.

1. a fine of not less than \$1,000 or more than \$10,000;
2. confinement in jail for a term of not less than 10 or more than 30 days;
3. both fine and confinement;

31. Upon showing that any defendant has violated a temporary or permanent injunction of the court, the court may:

- a. Order a political subdivision to discontinue the furnishing of utility services to the place at which the nuisance exists;
- b. prohibit the furnishing of utility service to the place by any public utility holding a franchise to use the streets and alleys of the political subdivision;
- c. revoke the certificate of occupancy of the place;
- d. prohibit the use of city streets, alleys, and other public ways for access to the place during the existence of the nuisance or in furtherance of the nuisance;
- e. limit the hours of operation of the place, to the extent that the hours of operation are not otherwise specified by law;
- f. order a landlord to terminate a tenant's lease if:
 1. the landlord and the tenant are parties to the suit; and
 2. the tenant has violated a condition of the injunctive order; or
- g. order any other legal remedy available under the laws of the state.

32. If, upon final hearing, the court finds in favor of the plaintiff that a common nuisance exists at the Point of the Southwest apartment complex at 11505 Keegans Ridge Road, the court shall order that the property be closed for one year after the date of judgment;

33. The judgment of this court be a judgment *in rem* against the property, as well as against the defendants, 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road; and,

34. Upon final hearing, plaintiff has judgment against defendants, 11505 Keegans Ridge Partners, L.L.C. and the real property known as 11505 Keegans Ridge Road, for:

1. court costs
2. costs of suit;
3. costs of investigation;
4. witness fees and deposition fees;
5. reasonable attorney's fees; and
6. such other and further relief to which plaintiff may be justly entitled.

Respectfully submitted,

VINCE RYAN
Harris County Attorney 99999939



Laura Cahill
SBN 00785742
1019 Congress, 15th Floor
Houston, Texas 77002
Phone: 713.755.5101
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ATTORNEYS FOR PLAINTIFF

Cause No. 2012-47041

FILED
Christa Penick
District Clerk
AUG 16 2012
Time: _____
By: Harris County, Texas
Copy

THE STATE OF TEXAS
Plaintiff

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS

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11505 KEEGANS RIDGE
PARTNERS, L.L.C. AND THE REAL
PROPERTY KNOWN AS 11505 KEEGANS
RIDGE ROAD
Defendants

11 **JUDICIAL DISTRICT**

P 8

TEMPORARY INJUNCTION

On the ____ day of _____, 2012, Plaintiff, The State of Texas, by and through Harris County Attorney Vince Ryan Harris County, Texas', application for temporary injunction against Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, came to be heard. The Court, after considering the evidence, the pleadings and the arguments of counsel, enters the following Order granting the application of the State of Texas. The Court finds that a temporary injunction should be granted as the Plaintiff is likely to prevail upon the issue that the Point of the Southwest apartments at 11505 Keegans Ridge Road is a place that is habitually used for criminal activity, and that reasonable steps should be taken to prevent the use of the property at 11505 Keegans Ridge Road in Houston, Texas ("Property") as a nuisance.

IT IS THEREFORE ORDERED that Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, herein referred to as "Defendants" are hereby ORDERED to comply with the

following demands at the Property located at 11505 Keegans Ridge Road in Houston, Harris County, Texas:

1. SECURITY: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012, to hire two uniformed certified peace officers and two licensed security guards to secure the Property at 11505 Keegans Ridge Road, and have one peace officer and one security guard at least once an hour patrol all parking lots, courtyards, breezeways and other common areas on the Property under the shifts set out herein, and until final judgment in this case. One certified peace officer and one security guard shall work from 10 p.m. until 5 a.m. Sunday through Wednesday. One certified peace officer and one security guard shall work from 10 p.m. until 5 a.m. Wednesday through Saturday.

Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to require that each certified peace officer shall complete an "Activity Log" documenting for each shift worked the following information:

a) start date, day, and time of shift; b) end date, day, and time of shift; officer names, badge numbers, and telephone contact information; c) any criminal or suspicious activity observed during the shift; d) contact information for all complainants; e) all information concerning any arrest on the Property, including offense report number; and f) a list of any light fixtures that need repair or replacement or any fences that need repair. The

activity logs must be maintained by the Defendants at the Property until final judgment in this case and shall be provided to law enforcement upon request.

2. VIDEO SURVEILLANCE: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012, to install and maintain at least 18 security cameras on the Property, with at least one camera covering the main entrance to each of the apartment buildings of the complex as shown on Exhibit A attached hereto. In addition, Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012, to install and maintain at least two security cameras, one at each end of each parking lot facing into the parking lot at the complex as listed on Exhibit A and at least one camera facing into the courtyard next to each building, each mailroom, and each laundry room. These security cameras shall be operable and recording at all times throughout the Property, and shall be accessible through the Internet and remotely through cell phones. The Defendants shall ensure that the security camera's Digital Video Recorder (DVR) has the ability to record and store streaming video for more than 30 days, has the capability to burn DVD's and capability to download video to a USB portable storage device. The Digital Video Recorder must record at all times, 24 hours a day/ 7 days a week. And all camera recordings shall display the date and time of the recording. The Defendants must allow law enforcement personnel access to the digital video recording to review and copy video. By _____, 2012, the Defendants, 11505

Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, shall post signs in conspicuous locations on the Property stating that surveillance cameras are in use.

3. SCREENING PROSPECTIVE RENTERS: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to require that all renters complete a standard lease, substantially similar to those provided by the Texas Apartment Association (TAA), including the ~~TAA condominium lease agreement form K, L-1 or L-2, or~~ the TAA apartment lease agreement form A, B-1 or B-2, or the Texas Association of Realtors residential lease, modified to include a provision that states that the owner will not lease to anyone convicted of any felony, violent crime, sex crime, narcotics offense; and that all prospective tenants and occupants 18 years or older present a Government-issued photo identification, and state the name and address of each person who will be occupying the apartment. The Defendants shall keep a photocopy of the photo ID of its tenants and occupants along with a copy of the lease available for review.

4. LIGHTING: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____ to inspect the Property for any burnt out or missing lights, and any damaged or missing light fixtures and repair or replace them immediately, and to install and use Metal Halide or high-pressure sodium vapor lighting

fixtures with direct 24-hour operation with an electronic eye hard-wired into the light fixtures on the property to eliminate dark spaces in areas.

Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____ to install at least two Metal Halide or high-pressure sodium vapor lighting fixtures in and around each area where tenants' mailboxes are located, at least seven Metal Halide or high-pressure sodium vapor lighting fixtures evenly spread out along the east and south fence line as listed on Exhibit A attached, at least one light fixture on each apartment porch and walkway corridor, and at least two Metal Halide or high-pressure sodium vapor lighting fixtures on opposite ends of the following areas, parking lots, courtyards, trash receptacle areas, and laundry rooms.

In addition, the Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012, to cut down any bushes, hedges or shrubs to a height of no more than 6 inches below window level and to keep all trees trimmed so that the lowest branches are at least 17 feet from the ground.

In addition, Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to remove all foliage around apartment building numbers and any foliage growth on the fence line.

5. FENCING: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to fix all holes and gaps in any fencing around the perimeter of the Property, especially, but not limited to, the fence line on the west side of the apartment complex.

6. TRESPASS AFFIDAVIT: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to file a Trespass Affidavit with the Houston Police Department Storefront nearest to the Property and Post “No Trespassing” and “No Loitering” signs in conspicuous locations on the Property, including, without limitation, at all entrances and exits. The Defendants must immediately call the police to report any criminal or suspicious activity observed on the Property. The Defendants must immediately call the police if anyone loiters on the Property or refuses to leave the Property.

7. BOARD UP VACANT UNITS, BROKEN WINDOWS, AND REMOVE ABANDONED VEHICLES: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to board up any vacant apartments and broken windows on the Property so those units do not cause a safety hazard to residents and so

that vagrants or animals do not enter, and remove abandoned or junked vehicles that are inoperable or being dismantled for parts.

8. MAINTAIN VEHICLE AND PEDESTRIAN GATES: Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to repair any holes or broken parts of the vehicle and pedestrian controlled access gates on the property so that they close after use. Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, are hereby ORDERED by _____, 2012 to fix all entrance and exit gates so they close once a vehicle has entered the property, and to put in a restricted access gate with a keyless entry pad to limit entrance to the property to residents and their guests only.

IT IS FURTHER ORDERED that Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, herein waive service of this injunction.

IT IS FURTHER ORDERED that Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, their officers, agents, servants, employees, and upon those persons in active concert or participation with them, may be subject to a fine or not less than \$1,000 or more than \$10,000; confinement in jail for a term of not less than 10 or more than 30 days; both fine and

confinement, if any temporary or permanent injunctive order by this court has been violated, pursuant to Chapter 125 of the Texas Civil Practice & Remedies Code.

IT IS FURTHER ORDERED that Defendants, 11505 Keegans Ridge Partners, L.L.C. and the Real Property Known as 11505 Keegans Ridge Road, individually post a bond of \$ _____ as required under Tex.Civ.Prac. & Rem. Code Ann. § 125.045.

IT IS FURTHER ORDERED that if any provision of this Temporary Injunction is determined by a court to be unenforceable or void for any reason, that to the extent permitted by law, any other provision of this order that is not affected by that determination shall remain in full force and effect.

IT IS FURTHER ORDERED that the trial on the merits of this cause is set for _____, 2012.

SIGNED THIS _____ day of _____, 2012.

JUDGE PRESIDING

C. BOTH A FINE AND CONFINEMENT; AND

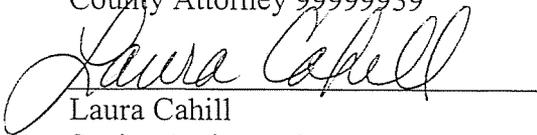
D. THE COURT CAN ORDER ANY AND ALL OTHER STATUTORY RELIEF FOR VIOLATION OF THE TEMPORARY INJUNCTION AS SET OUT IN EXHIBIT A, ATTACHED HERETO.

SIGNED the _____ day of _____, 2012.

JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:

VINCE RYAN
County Attorney 99999939



Laura Cahill

Senior Assistant County Attorney
Environment & Infrastructure Group
State Bar No. 00785742
1019 Congress Avenue, 15th Floor
Houston, Texas 77002
Telephone: (713) 755-5101
Fax: (713) 437-4211

**ATTORNEYS FOR PLAINTIFF
THE STATE OF TEXAS**