No. 2014-06812

P3

HARRIS COUNTY, TEXAS **Plaintiff**	§ §	**IN THE DISTRICT COURT OF** TIOJX
vs.	§ §	**HARRIS COUNTY, TEXAS** TRROX
WEST TEN DEVELOPMENT, L.P. and **I.W.W. REALTY, L.L.C.,** **Defendants**	§ § §	**55th JUDICIAL DISTRICT**

TEMPORARY INJUNCTION ORDER

On the _____ day of _____, 2014, the Court finds that a temporary injunction should be granted, the Plaintiff is likely to succeed on the merits of its case and Defendants, the owners of 13700 Beechnut, Houston, Texas 77083 (Property), should be ordered to take reasonable steps to come into compliance with Harris County Fire Marshal Orders. The word Property as used herein includes all building inside and outside at 13700 Beechnut, Houston, Texas 77083, as well as all parking areas, dumpster areas, and all common areas at 13700 Beechnut, Houston, Texas 77083.

IT IS THEREFORE ORDERED that Defendants, West Ten Development, L.P., as the owner of 13700 Beechnut, Houston, Texas 77083 and I.W W. Realty, L.L.C., their officers, agents, servants, employees, and upon those persons in active concert or participation with them are hereby ORDERED to comply with the following demands at the Property located at 13700 Beechnut, in Houston, Harris County, Texas 77083:

1. Defendants are ORDERED to ~~remove all obstructions from~~ immediately maintain the parking lot and fire lanes located at 13700 Beechnut, in Houston, Harris County, Texas 77083 so that fire apparatus have access to 13700 Beechnut, in Houston, Harris County, Texas 77083; ~~within 30 days after the Court signs this Order;~~
2. Defendants are ORDERED to immediately maintain an occupancy of 299 at 13700 Beechnut, in Houston, Harris County, Texas 77083; The Court will consider increasing occupancy upon compliance with this Order. The Plaintiff may agree to increase occupancy levels without Court approval.

RECORDER'S MEMORANDUM
This instrument is of poor quality at the time of imaging

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3. Defendants are ORDERED to refrain from holding any outdoor parties, events or carnivals located outside at 13700 Beechnut, in Houston, Harris County, Texas 77083 without first obtaining a Special Events packet and inspection by the Fire Marshal;
4. Defendants are ORDERED to prepare a fire safety and evacuation plan, including the bar area and obtain approval by the Harris County Fire Marshal within 30 days after the Court signs this Order;
5. Defendants are ORDERED to remove or repair i~~dentified~~ all electrical hazards in electrical wiring, devices, appliances, extension cords, flexible cords, and other equipment within 30 days after the Court signs this Order;
6. Defendants are ORDERED to ~~make the necessary replacements and repairs to~~ bring the fire detection, alarm, and extinguishing systems ~~so that such systems are in~~ into an operative condition at all times within ~~60~~ 30 days after the Court signs this Order;
7. Defendants are ORDERED to immediately remove all obstructions or interruptions along the path of egress ~~within 30 days after the Court signs this Order;~~
8. Defendants are ORDERED to repair or install emergency lighting required for the means of egress and exit discharge within ~~60~~ 30 days after the Court signs this Order;
9. Defendants are ORDERED to remove locks from egress doors and exit doors that are required to be readily open from the egress side without the use of a key or special knowledge or effort within ~~30~~ 10 days after the Court signs this Order;
10. Defendants are ORDERED to immediately refrain from performing construction activities at 13700 Beechnut, in Houston, Harris County, Texas 77083 without first securing required permit(s);
11. Defendants are ORDERED to install a Type I hood at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors within 30 days after the Court signs this Order;
12. Defendants are ORDERED to install extinguishers in all required areas within 30 days after the Court signs this Order;
13. Defendants are ORDERED to ~~complete an engineering review of~~ bring the sprinkler system ~~by a licensed and registered Fire Protection Engineer or licensed and registered sprinkler contractor and make the necessary repairs or installations recommended~~ into an operative condition within ~~60~~ 30 days after the Court signs this Order;
14. ~~Defendants are ORDERED to complete an engineering review of the fire detection, alarm, and extinguishing systems by a licensed and registered Fire Protection Engineer or licensed~~

(Same as #6)

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~~and registered fire alarm contractor and make the necessary repairs or installations so that the systems are maintained in an operative condition at all times within 60 days after the Court signs this Order;~~

15. Defendants are ORDERED to refrain from using 13700 Beechnut, in Houston, Harris County, Texas 77083 for residential purposes until the required permit is obtained;

(*) The State of Texas ~~waives the requirement of the defendants~~ is not required to post~~ing~~ a bond for this injunction.

~~Defendants waive service of the writ.~~

IT IS FURTHER ORDERED that the trial on the merits of this cause is set for Aug 25, 2014, two week trial docket. The Court will conduct a status conference on June 23, 2014, at 1:00 p.m. to discuss the status of the compliance with this Order.

SIGNED THIS 14 day of May, 2014.

(*) Nothing about this Order alters the Plaintiff's authority to perform its duties as Harris County Fire Marshall, including but not limited to issuing further citations and determining Defendants' compliance with existing citations.

The parties are encouraged to schedule additional hearings as needed to seek clarification, additional relief, or Defendants demonstrate substantial compliance.

Jeff Shadwick

JUDGE PRESIDING

APPROVED AS TO FORM

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ATTORNEYS FOR PLAINTIFF,
THE STATE OF TEXAS

FILED
Chris Daniel
District Clerk
MAY 14 2014
Time: _____ Harris County, Texas
By _____ Deputy

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this May 19, 2014

Certified Document Number: 60845113 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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