

CITY OF IRVING, TEXAS
Plaintiff,

VS.

VILLAS OF IRVING, LTD.,
Defendant.

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

134th JUDICIAL DISTRICT

**SHOW CAUSE ORDER AS TO PLAINTIFF CITY OF IRVING'S
FIFTH MOTION FOR CONTEMPT AS TO DALLAS M&R, INC.
AND SETTING ON MOTION FOR COSTS**

On this day came to be considered Plaintiff City of Irving's Fifth Motion for Contempt as to Defendant Villas of Irving, Ltd. ("Defendant"), Dallas M&R, Inc., and Don Robinson and Motion for Costs, seeking to have Dallas M&R, Inc. held in contempt of court in this matter.

Plaintiff's motion having been considered and found legally sufficient, it is therefore ORDERED that **Dallas M&R, Inc.** appear before this Court to show why it should not be held in contempt of this Court's Agreed Temporary Injunction ("Injunction") entered on October 11, 2011 regarding the property located at Lot 2, 3, 4, 5, 6, 7, 8, 9, and 10 and part of Lot 1, Block B of Garden Oaks No. 5, an addition to the City of Irving, Texas, according to the plat thereof recorded in Volume 29, Page 135, Map Records, Dallas County, Texas and is otherwise known as 310-370 Brown Drive, Irving, Texas (the "Property") by failing to:

- a. Repair the Occupied Units to maintain cooling facilities capable of maintaining a room temperature of at least fifteen degrees cooler than the outside temperature and in no event higher than 85 degrees on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
- b. Maintain all glazing materials free from cracks and holes on or before November 4, 2011;

- c. Maintain all exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition on or before November 4, 2011;
- d. Maintain all structures free from insect and rodent infestation and provide the City of Irving with proof of extermination on or before November 4, 2011;
- e. Maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition; failure to correct cracked or loose plaster, decayed wood, and other defective surface conditions on or before November 4, 2011;
- f. Provide and maintain all systems, devices, and equipment to detect a fire, smoke, or carbon monoxide, actuate an alarm, or suppress or control a fire or any combination thereof in operable condition on or before November 4, 2011;
- g. Maintain every stair, ramp, landing, or other walking surface in sound condition and good condition on or before November 4, 2011;
- h. Maintain exterior lighting at appropriate points adjacent to all building entrances, including individual dwelling units, sufficient to illuminate areas where hazards may reasonably exist, and operable between a half hour after sunset and a half hour before sunrise; failure to repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working on or before November 4, 2011;
- i. Maintain all exterior doors, door assemblies, and hardware in good condition with locks at all entrances to dwelling units and sleeping units that tightly secure the door on or before November 4, 2011;
- j. Maintain every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, structurally sound, in good condition, with proper anchorage and capable of supporting the imposed loads on or before November 4, 2011;
- k. Maintain the roof and flashing sound, tight and without defects that admit rain with roof drainage adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof drains, gutters, and downspouts maintained in good condition and free from obstructions on or before November 4, 2011;
- l. Maintain all exterior walls free from holes, breaks, and loose or rotting materials and to maintain all exterior walls and exposed surfaces of metal or wood to protect them from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment on or before November 4, 2011;
- m. Remove all graffiti from the property on or before November 4, 2011 and thereafter maintain the Property free from graffiti;

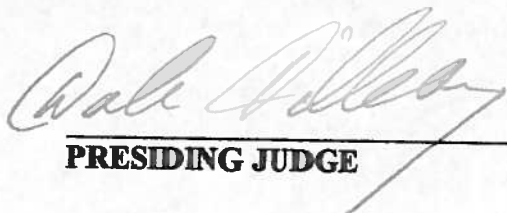
- n. Maintain the roof and flashing sound, tight, and without defects such that drainage is adequate to prevent dampness or deterioration and failure to maintain roof drains and gutters in sound condition on or before November 4, 2011;
- o. Maintain fences, gates, and screening walls in good condition on or before November 4, 2011;
- p. Maintain all structural members free from deterioration, and capable of safely supporting the imposed dead and live loads on or before November 4, 2011;
- q. Maintain all vacant units, structures, and premises thereof or vacant land in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety; and all vacant or unoccupied structures or parts of structures completely secure from unauthorized entry on or before November 4, 2011;
- r. Maintain food-contact surfaces smooth and easily cleanable; impermeable to liquid; unpainted; not resurfaced; free from areas which are inaccessible to cleaning and inspection; free from breaks, seams, cracks, chips, pits, or similar imperfection; and free from difficult-to-clean internal corners or crevices in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
- s. Maintain receptacles enclosed so that live wiring terminals are not exposed to contact in the Occupied Units and on the exterior on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
- t. Maintain a window latch on each exterior window of the dwelling and provide a keyless bolting device and a door viewer on each exterior door of the dwelling in the Occupied Units in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
- u. Properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to: ground-fault circuit-interrupter protected receptacles shall be provided for the following locations: Bathrooms; Kitchens (where the receptacles are installed to serve the countertop surfaces); and Laundry (utility, and wet bar sinks where the receptacles are installed within six (6) feet of the outside edge of the sink) in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or

- before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
- v. Maintain grease extracting ventilation hoods which are readily removable and listed by a recognized testing laboratory in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - w. Properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to: the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code and artificial light fixtures with protective shields capable of preventing broken glass from falling in areas where food may be exposed and where equipment or utensils may be stored in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - x. Maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition; failure to repair or remove peeling, chipping, flaking, or abraded paint; failure to correct cracked or loose plaster, decayed wood, and other defective surface conditions in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - y. Maintain internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, free from damaged or contaminated by foreign materials such as paint, plaster, cleaners, or abrasives, and corrosive residues; failure to repair damaged parts that might adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; deteriorated by corrosion, chemical action, or overheating; failure to remove foreign debris from equipment in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - z. Maintain all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all time and to connect plumbing fixtures and heating equipment that the occupant supplies in compliance with applicable laws in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18,

- 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
- aa. Maintain intake and exhaust air ducts in such a manner as to prevent the entrance of dust, dirt, and any other contaminating material in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - bb. Equip every window which opens directly to or from an outdoor space with a tightly fitting insect-proof screen of not less than sixteen (16) mesh per inch in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - cc. Ensure that every bedroom has at least one (1) window or opening facing directly to the outdoors which is capable of being opened far enough to permit egress by any adult in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - dd. Install equipment and appliances as required by the terms of their approval, in accordance with the conditions of the listing, the manufacturer's installation instructions and this code in the Occupied Units on or before November 4, 2011; Group A Vacant Units on or before November 18, 2011; and Group B Vacant Units on or before December 2, 2011; Group C Vacant Units on or before December 16, 2011; Group D Vacant Units on or before December 30, 2011; Group E Vacant Units on or before January 13, 2012;
 - ee. Maintain parking lots, fire lanes, driveways, sidewalks, porches, patios, and other paved areas free from deterioration, holes, excavations, sharp protrusions, or any other object or condition which may cause injury to a person on or before December 30, 2011;
 - ff. Remove trees and tree limbs that are reasonably capable of damaging a structure, or that are reasonably capable of causing injury to a person, or which are within fourteen (14) feet of a fire lane measured vertically from the surface of the fire lane to the lowest point of the tree limb or branch on or before December 30, 2011; and
 - gg. Legibly identify all circuits and circuit modifications as to their clear, evident, and specific purpose or use on or before November 4, 2011.

Having been considered and found legally sufficient, it is therefore ORDERED that Dallas M&R, Inc. appear before this Court at 10 o'clock A.M. on the 30 day of MAR-2012 to show cause why it should not be held in contempt for violation of this Court's Injunction as alleged in Plaintiff City of Irving's Fourth Motion for Contempt as to Defendant Villas of Irving, Ltd., Dallas M&R, Inc., and Don Robinson and Motion for Costs. The hearing on the City's Motion for Costs is also set at this time.

Signed this 22 day of February 2012.


PRESIDING JUDGE