

Texas City Attorneys Association
2024 Summer Conference
June 12-14, 2024

Administrative Search Warrants for Beginners

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What is an administrative search warrant?

A search warrant is a court order authorizing agents of a governmental body to search persons and places and potentially confiscate evidence of a criminal act from the person or place. Federal and state laws authorize the use of search warrants by certain agents of the government in certain circumstances. The Fourth Amendment to the United States Constitution states in part “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”¹ Article 1, Section 9 of the Texas Constitution also mandates “no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.”² These documents outline the general expectations and certain requirements for a valid criminal search warrant. More specific elements required for a search warrant to be considered sufficient are further defined in the Texas Code of Criminal Procedure.³

Section 18.01(a) of the Texas Code of Criminal Procedure defines a “search warrant” in part as “a written order, issued by a magistrate and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate.”⁴ The chapter goes on to describe administrative search warrants (ASWs) for fire, health, and code inspections more specifically in Art. 18.05.⁵ Probable cause is required for the ASW, but 18.05(c) allows the magistrate to consider an affiant’s specific knowledge of the property as well as (1) the age and general condition of the premises, (2) previous violations or hazards found present in the premises, (3) the type of premises, (4) the purposes for which the premises are used, and (5) the presences of hazards or violations in and the general condition of premises near the premises sought to be inspected.⁶ Code enforcement officials working for a county with a population of 3.3 million or more are excluded from access to ASWs pursuant to 18.05(e).⁷

Put another way, the ASW is a tool created specifically for government employees responsible for enforcement of health and safety statutes and ordinances. ASWs allow non-peace officers to conduct warrant searches and evaluate whether health and safety violations exist at the property. ASWs are required for most administrative health and safety type searches.⁸ The Texas Code of Criminal Procedure specifically permits fire marshals, health officers, and code enforcement officers to obtain an ASW to conduct an inspection if they can show “probable cause to believe that a fire or health hazard or violation or unsafe building condition is present” at the specified premises.⁹ As with criminal warrants issued pursuant to the Fourth Amendment,

¹ U.S. Const. amend. IV.

² Tex. Const. art. I, § 9.

³ Tex. Code of Crim. Proc. § 18.01.

⁴ Id.

⁵ Tex. Code of Crim. Proc. § 18.05.

⁶ Id.

⁷ Id.

⁸ *Camara v. Municipal Court*, 387 U.S. 523 (1967).

⁹ Tex. Code of Crim. Proc. § 18.05(b).

there is extensive case law outlining when and in what circumstances the ASW may or must be obtained prior to conducting an administrative search to determine whether health and safety violations exist at a specific location. Broadly speaking, the purpose of a search conducted under the authority of an ASW is to determine whether conditions exist that threaten the health and safety of the community.

Municipalities have authority under Sec. 54.001 to enforce each rule, ordinance, or police regulation of the municipality pertaining to the health and safety of the community and may punish violation of same.¹⁰ Sec. 54.004 goes on to state a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants.¹¹ ASWs make it possible for cities to gain access to properties whose owners are uncooperative, noncompliant, or actively creating or permitting unsafe conditions that endanger themselves or the larger community. Once access is granted, staff observations from an administrative search can be used as basis for a variety of further enforcement actions, including filing civil or criminal cases, seeking injunctions, and so on.

Who may request an administrative search warrant

Warrants based on the authority in Sec. 18.05 may be sought by a 1) fire marshal, 2) health officer, or 3) code enforcement officer. Texas has adopted definitions for only two of these, in other codes. Fire marshals are among the various types of employees classified as peace officers in the Texas Code of Criminal Procedure.¹² A “Fire Marshal” is further defined in the Texas Administrative Code as “an individual designated to provide delivery, management, and/or administration of fire protection- and life safety-related codes and standards, investigations, education, and/or prevention services.”¹³ A “[c]ode enforcement officer” is an agent of the state or a political subdivision who “engages in code enforcement” and “code enforcement” is defined as “the inspection of public or private premises for the purpose of identifying” certain listed environmental hazards including “fire or health hazards; nuisance violations; unsafe building conditions; and violation of any fire, health, or building regulation, statute, or ordinance” and abating those hazards.¹⁴

Despite being listed in § 18.05, the term “health officer” is not defined in the Code of Criminal Procedure. This title or office has not been clearly defined in statute or case law. A “health authority” is something different, defined in the Health and Safety Code as a physician appointed under the provisions of Ch. 121 or other laws to administer state and local laws relating to public health within the appointing body’s jurisdiction.¹⁵ Most cities do not have their

¹⁰ Tex. Local Gov’t Code § 54.001.

¹¹ Tex. Local Gov’t Code § 54.004.

¹² Tex. Code of Crim. Proc. § 2.12(35).

¹³ 37 Tex. Admin. Code § 467.1(a).

¹⁴ Tex. Occ. Code § 1952.001.

¹⁵ Tex. Health & Safety Code § 121.021; see also Tex. Health & Safety Code § 431.002(18).

own health authority. Many cities do, however, have other employees authorized by state law to enforce various health and safety statutes and ordinances. For example, cities employing a licensed sanitarian employ a “person trained in sanitary science to perform duties relating to education and inspections in environmental sanitation.”¹⁶ As noted previously, state law also empowers code enforcement officers to inspect public and private premises to identify various environmental hazards and violations of fire, health, or building regulations.¹⁷ Municipal employees including professional engineers or those holding state licenses related to water production, wastewater, plumbing inspections, etc. could also arguably be considered “health officers” for at least some limited purposes, based on job responsibilities related to ensuring the health and safety of the community. If a municipality without its own local health authority wishes to request an ASW and their “health officer” is the affiant, rather than a code enforcement officer or a fire marshal, staff should seek guidance from counsel to ensure compliance with Sec. 18.05.

Drafting an administrative search warrant

The ASW is composed of three parts: the affidavit, the warrant, and the warrant return. The longest section of the ASW is usually the affidavit, which contains the factual basis for why city staff are requesting permission to search the property. The warrant and the return are usually much shorter, often a single page each, and tend to look very similar from one ASW to the next.

The affidavit underlying the request for an ASW should be drafted by someone familiar with the current conditions at the nuisance property as well as supporting information, including the property/owner’s criminal or civil case history, other nearby properties with similar problems, number or frequency of complainants, relevant statutes and/or ordinances, etc. The affidavit must contain the “substantial facts” (factual basis) of why the affiant is asking to search the named property.¹⁸ For an ASW, the magistrate is not limited to considering evidence of specific, “close in time” knowledge, but may also consider the age and general condition of the premises, previous violations or hazards present, type of premises, purpose for which the premises are actually used, and the presence of hazards or violations in and the general condition of premises near the premises sought to be inspected.¹⁹ The affidavit for an ASW may summarize facts from months or years of complaints about and/or documented problems at the property. In practice, an affidavit accompanying a request for an ASW may include information gathered by multiple staff members over an extended time period. Ultimately, however, it is a single affiant who signs the affidavit before a magistrate 1) to certify s/he has statutory authority to search the property (as a code officer, fire marshal, or health officer) and 2) to certify the contents of the affidavit are true and correct.²⁰

¹⁶ Tex. Occ. Code § 1953.001(3).

¹⁷ Tex. Occ. Code § 1952.001.

¹⁸ Tex. Code of Crim. Proc. § 18.01(c).

¹⁹ Tex. Code of Crim. Proc. § 18.05(c).

²⁰ Tex. Code of Crim. Proc. § 18.05.

The warrant itself must contain certain specific information; a failure to include all required elements in the warrant may mean the magistrate denies your warrant request, or a court later decides you did not have valid authority to conduct the search.²¹ If you conduct a property search without a valid warrant, you may not be able to use the information obtained during your warrant search in later criminal or civil cases. Even when drafting an ASW, the warrant must run in the name of “The State of Texas”; it must identify what is to be seized (if anything) and the name or description of the person, place, or thing to be searched, “as near as may be”; and it must command any peace officer or other authorized individuals to search forthwith the person, place, or thing.²² The warrant must also be dated and signed by the magistrate, with the magistrate’s name appearing in clearly legible handwriting or typewritten and paired with the magistrate’s signature.²³ The date and hour of issuance must be listed on the warrant and the document must affirm the person signing the affidavit has statutory authority to search and s/he has established probable cause.²⁴

The warrant return is a document provided to the court after a warrant search, informing the magistrate when and in what manner the issued warrant was executed.²⁵ If any property is seized during the warrant search, an inventory of such must be provided to the court. Seizure of items is relatively unusual in the ASW context. Although administrative warrant searches can uncover criminal activity, staff should be familiar enough with the property to be searched to know in advance whether the warrant search of a particular property is likely to lead to a seizure of any property. If staff are concerned execution of an ASW may lead to discovery of criminal activity, they should consult with the City’s legal advisor and/or law enforcement to prepare for such an eventuality before executing the search warrant.

Once the document has been drafted, the affiant presents the ASW to an authorized magistrate for approval. The Code of Criminal Procedure includes a list of magistrates who may issue a warrant, including municipal court and county court judges who are licensed attorneys in Texas, statutory county court judges, district court judges, judges of the Court of Criminal Appeals, justices of the Supreme Court of Texas, and other magistrates with jurisdiction over criminal cases serving a district court.²⁶ The affidavit is to be signed by the affiant in front of the magistrate. Once the magistrate reviews, approves, and signs the warrant, the affiant, and other staff as appropriate, have been authorized to execute the warrant at the property listed on the ASW.

Execution of the administrative search warrant

²¹ Tex. Code of Crim. Proc. § 18.04.

²² Tex. Code of Crim. Proc. § 18.04(1), (2), and (3).

²³ Tex. Code of Crim. Proc. § 18.04(4) and (5).

²⁴ Tex. Code of Crim. Proc. § 18.04, 18.05, and 18.07(b).

²⁵ Tex. Code of Crim. Proc. § 18.10; see also 18.06(a) and 18.07(a)(3).

²⁶ Tex. Code of Crim. Proc. § 18.01(c), (d), (i), and (j).

The Code of Criminal Procedure grants three days for an ASW to be executed (also commonly described as “served”) after the warrant is signed by the magistrate, unless the magistrate directs in the warrant a shorter period for it to be executed.²⁷ This means the affiant has three calendar days, not business days, after the warrant is signed to visit the property and inspect it for violations. As much as possible, staff should plan ahead to ensure all relevant departments are aware of the request for an ASW and relevant departments/staff are able to participate in execution of the ASW, once signed by the judge. The affiant who requested the ASW should execute the ASW, but be aware, the group of people who are present during execution of the warrant can rapidly grow to include staff from multiple other departments, depending on the nature of the complaints and conditions at the property subject to search. The affiant who obtains the warrant is authorized to call to his or her aid others to assist in the execution of a warrant.²⁸ At a minimum, consider whether one or more peace officers should be present to clear structures and ensure staff safety. Although surprises can and do happen, thorough planning usually leads to a more efficient, effective search of a problem property.

If the execution of an ASW leads to plain view observation of criminal activity, such as narcotics packaged for sale, abused animals, illegal weapons, etc., staff should immediately pause their administrative search. If your search team does not include peace officers and/or legal counsel, staff should immediately contact law enforcement and/or their city’s legal counsel because it may be appropriate to seek a criminal search warrant based on staff members’ plain view observations. Case law states searches based on ASWs may lead to valid criminal charges even if the ASW itself lacks specific dates or times, because complaint history listed in an affidavit for an ASW can indicate a course of conduct.²⁹ If a criminal search warrant is sought by law enforcement, when possible, staff should hold the property based on their ASW authority but take no additional actions to continue the administrative search. As soon as the determination has been made to seek a criminal search warrant, the administrative search authorized by the ASW should resume only after the criminal warrant execution has been completed and any people or items seized pursuant to the criminal warrant. Staff who were originally executing the ASW should release the property back to the owner or occupant only after all warrant search activities, administrative and, where applicable, criminal, have been completed. When in doubt at any point in this process, seek guidance from your city’s legal counsel. As noted previously, failure to properly execute a warrant, or conducting a search without a proper warrant, can result in evidence gained in the search being inadmissible in later court proceedings.

Warrant return

The return must be provided to the magistrate who issued the warrant no more than three days after the execution of the search warrant.³⁰ For an ASW, this notice usually consists of informing the magistrate of the date, possibly the time, and the location of the search. If any

²⁷ Tex. Code of Crim. Proc. § 18.07(a)(3).

²⁸ Tex. Code of Crim. Proc. § 18.08.

²⁹ *Cardoso v. State*, 438 S.W.3d 815 (Tex. App.—San Antonio 2014).

³⁰ Tex. Code of Crim. Proc. § 18.10.

property is seized, the warrant return must include an inventory of what property was seized, by which person, and based on what authority. When circumstances allow, it is helpful to plan the execution of a search warrant at a time and on a day that will not make warrant return difficult for your affiant. For example, if the ASW is issued on Thursday afternoon and not executed until Friday afternoon, by statute it must be returned to the magistrate before your employee (and possibly your magistrate) is likely to be back at work on Monday.

After the inspection – civil and criminal enforcement

Once the property inspection has been completed and the warrant return has been provided to the court along with any inventory of property seized, staff should meet with your city's legal counsel to determine next steps. Each property is different, with its own combination of violations and concerns. Depending on the type of city and what ordinances your governing body has enacted, you may have multiple options to seek abatement of nuisance conditions.

Seeking voluntary abatement by a property owner, lienholder, tenant, or other person with authority over the property (collectively, "owner") often should be the first option to consider. Voluntary agreements for a timeline of what work will be completed and when can be successful in some circumstances. Alternately, if the owner would like to correct the nuisance conditions, but is physically or financially unable to do so, the city may consider creating a written agreement with the owner wherein the city agrees to pay costs to complete the work necessary to abate the nuisance conditions. Such an agreement might include a payment plan for the owner to reimburse the city or acknowledge the city's intention to place a lien on the property and obtain reimbursement later, when the property is sold.

If, however, the owner does not agree with the city on what actions are required to abate the nuisance, or the owner is absent, deceased, or otherwise unavailable, filing criminal charges or a civil lawsuit may be an appropriate next step to abate the nuisance conditions at the property. Texas law permits municipalities to bring a civil action to enforce certain types of health and safety ordinances.³¹ Your city may also have adopted ordinances creating a process for civil nuisance abatement lawsuits to be filed in your municipal court of record.

Criminal charges filed after the ASW search may be based on your city's adopted ordinances, any international codes your city has adopted, or state laws. Many Class C misdemeanor violations are easily documented with photography during an ASW search. Filing some health-and-safety-type criminal charges will require taking samples of soil or water to test for pollutants, such as in cases of illegal dumping of oil or other substances. More than one ASW has resulted in seizure of animals living at a vacant property or living at a property with an owner or caretaker who failed to properly care for the animals. These situations may also lead to

³¹ Tex. Local Gov't Code § 54.012; Tex. Local Gov't Code § 214.001; Civ. Prac. & Rem. Code §125.002.

criminal charges, a civil nuisance abatement, or civil seizure proceedings as outlined in the Texas Health and Safety Code.³²

Chapter 214 of the Texas Local Government Code authorizes municipalities to enact ordinances to require vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; unoccupied and unsecured; inadequately boarded up or otherwise secured; or the building constitutes a danger to the public even though secured from entry.³³ Certain requirements must be met for such an ordinance to be valid. Among other requirements, a city must provide proper notice prior to and after a public hearing, including newspaper publication outlining the results of the court's order following a hearing. If an owner is ordered to secure a building or to repair, remove, or demolish a building, failure to comply with the court-ordered timeline may result in the city being authorized to take the ordered action and abate the dilapidated, substandard, or hazardous structure. Within the requirements of Chapter 214, cities have some flexibility to define based on community standards what conditions may lead a property to be found dilapidated, substandard, or unfit for human habitation. Thoughtful drafting of ordinances and adoption of international codes can give a city a powerful tool to abate and eliminate nuisance structures. Enacting ordinances is not the only method by which a city may be authorized to file a civil suit seeking abatement of nuisance conditions.

Chapter 54, Subchapter B of the Texas Local Government Code outlines the circumstances in which cities may file civil suits to enforce their municipal health and safety ordinances. The specific authority given to a municipality to assess fines as part of its enforcement of rules, ordinances, or police regulations depends on whether the city is a Type A, Type B, or home-rule municipality.³⁴ Each type of municipality is authorized by Sec. 54.012 to bring a civil action for the enforcement of ordinances relating to certain types of nuisance conditions, including but not limited to ordinances to preserve public health, public safety, or fire safety; ordinances governing materials used to construct a building, structure, or improvement; violation of a zoning ordinance or criteria for land subdivision, lot size, etc.; prohibition of dangerously damaged or deteriorated structures; prohibition of conditions creating a breeding place for insects and rodents; and various other types of ordinances.³⁵ Jurisdiction and venue of an action filed pursuant to Sec. 54.012 are in the district court or the county court at law of the county in which the municipality bringing the action is located.³⁶ If a home-rule city has adopted ordinances pursuant to Ch. 214, the city's municipal court of record has concurrent jurisdiction in Chapter 54 cases. Filing a civil nuisance abatement case in municipal court, if the option is available to your city, can simplify filing the case, scheduling a hearing, and arranging for staff to appear as witnesses at a court setting.

³² Tex. Health & Safety Code § 821.022 and 821.023.

³³ Tex. Local Gov't Code § 214.001.

³⁴ Tex. Local Gov't Code § 54.002, 54.003, 54.004.

³⁵ Tex. Local Gov't Code § 54.012.

³⁶ Tex. Local Gov't Code § 54.013.

If your city is receiving complaints about certain types of ongoing criminal activity at a particular location, the Texas Civil Practice and Remedies Code provides a cause of action to abate a common nuisance. “A suit to enjoin and abate a common nuisance described by Section 125.0015(a) or (b) may be brought by an individual...or by a district, county, or city attorney.”³⁷ The list of nuisance activities that may within the scope of this cause of action includes but is not limited to drug sales, gambling, prostitution, graffiti, criminal mischief, and illegal massage services.³⁸ These suits may be brought against an owner, a party to the use, or even an action in rem against the property itself.³⁹

Depending on the nature of the property’s nuisance conditions, basis for a cause of action and/or abatement could be found in Chapter 341 of the Texas Health and Safety Code, which contains another list of conditions defined as a “public health nuisance” cities may take action to abate in certain circumstances.⁴⁰ This list includes conditions ranging from a collection of water in which mosquitoes are breeding, to unsanitary restaurants, to leaking garbage trucks, to wastewater discharged or exposed in such a way as to be a medium of disease transmission. Chapter 341 provides for criminal penalties and civil enforcement based on violations of certain subsections of the chapter.⁴¹ This chapter also reinforces home-rule municipalities’ authority to enact ordinances for enforcement of minimum requirements of sanitation and health protection in Texas.⁴²

Some general enforcement authority is also granted to cities in Texas Health and Safety Code Chapter 121, the “Local Public Health Reorganization Act.”⁴³ Specifically, 121.003(a) notes the “governing body of a municipality...may enforce any law that is reasonably necessary to protect the public health.”⁴⁴ This chapter outlines the authority of local public health authorities, which for many cities would be your county, but it also helpfully creates processes for a city to work with its county health department to enforce and abate nuisance conditions. If a municipality wishes to appoint its own health authority or create its own local health department, Chapter 121 outlines how these goals may be accomplished, which in turn can give a city more options for nuisance abatement.

Cities also have limited authority to proactively abate certain specific nuisance conditions, but guidance from legal counsel should be sought before taking action to abate nuisance conditions without a court order directing the city to abate. Depending on

³⁷ Tex. Civ. Prac. & Rem. Code § 125.002(a).

³⁸ Tex. Civ. Prac. & Rem. Code § 125.0015(a).

³⁹ Tex. Civ. Prac. & Rem. Code § 125.002(b).

⁴⁰ Tex. Health & Safety Code § 341.011.

⁴¹ Tex. Health & Safety Code § 341.047, 341.048.

⁴² Tex. Health & Safety Code § 341.081.

⁴³ Tex. Health & Safety Code § 121.003.

⁴⁴ Id.

circumstances, your city may be able to abate weeds and high grass⁴⁵ or mosquito issues⁴⁶ based on authority granted in the Health and Safety Code. Your city may have adopted, or may want to adopt, an ordinance establishing a process for abatement of junked vehicles based on authority arising from the Texas Transportation Code.⁴⁷

Please note, the options for civil nuisance abatement included here are not a complete list. Your city may have additional remedies available in state law or city ordinances. Contact your city's legal counsel to discuss your specific fact situation and appropriate options to abate the nuisance conditions at the problem property.

Conclusion

Requesting and executing an ASW can be an important step in evaluating nuisance properties to determine what, if any, civil or criminal enforcement actions should be taken. The information obtained during a warrant inspection of a property can provide a factual basis for filing one or more cases leading to successful nuisance abatement even if, or after, other methods of enforcement have been unsuccessful. Fire marshals, code enforcement officials, and health officers who are authorized by law to obtain an ASW should become familiar with the requirements for obtaining an ASW and the limitations on authority granted by an ASW.

⁴⁵ Tex. Health & Safety Code § 342.008.

⁴⁶ Tex. Health & Safety Code § 341.019.

⁴⁷ Tex. Transp. Code Ch. 683 Abandoned Motor Vehicles, Subch. E Junked Vehicles: Public Nuisance; Abatement.

AFFIDAVIT FOR SEARCH WARRANT

THE STATE OF TEXAS
COUNTY OF BRAZORIA

Date

The undersigned affiant, being a Code Enforcement Officer of the City of Pearland, Texas under the laws of the State of Texas and being duly sworn, on oath, hereby does make the following statement:

“That there is located in the State of Texas, County of Brazoria, City of Pearland, a certain property under the control of: NAME and being located at ADDRESS Pearland, Brazoria County, Texas, and being described as LEGAL DESCRIPTION Property ID: ##### Pearland, Brazoria County, Texas;

That I have just cause to believe and do believe that there are now a variety of circumstances that are ongoing, and violative of city ordinances and state laws enacted to protect the health and safety of residents of the City of Pearland and the State of Texas. I further believe that these violations are occurring in a neighborhood that is a heavily populated area of the City of Pearland and in a neighborhood where children reside and play.

On DATE the Code Enforcement office began receiving complaints regarding the aforementioned property OR WHATEVER THE CIRCUMSTANCES WERE. The City responded by sending certified and regular mail to the registered owner of the property on DATE, OR WHATEVER RESPONSE CITY TOOK.

I believe that the property is currently in violation of, at minimum, the following ordinances/laws:

LIST CODE VIOLATIONS; BELOW LISTED ARE COMMON BUT NOT REQUIRED TO BE INCLUDED

IPMC 108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

IPMC 108.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

It is therefore requested that an administrative warrant be issued to perform an additional inspection of the above-mentioned address to conduct an investigation to gather additional information necessary to determine if the building and property currently poses a danger to the surrounding community.

NAME Code Enforcement Officer
City of Pearland, Texas

Date

WITNESS my signature on this the _____ day of _____, A.D. 20__ at
_____ o'clock _____. m.

MAGISTRATE, _____ COUNTY, TEXAS

THE STATE OF TEXAS § PROPERTY LOCATED AT:
 § [ADDRESS]
COUNTY OF BRAZORIA § Pearland, TX 77581

ADMINISTRATIVE SEARCH WARRANT

THE STATE OF TEXAS, to the Sheriff or any Peace Officer of Brazoria County or the State of Texas, and/or Code Enforcement Official of the City of Pearland.

GREETINGS:

WHEREAS, the Affiant, whose signature is affixed to the Affidavit attached hereto (which said Affidavit is by this reference incorporated herein for all purposes), is a person duly authorized by law to make inspections of premises for the purpose of enforcing health, fire, or building regulations, statutes, or ordinances, and did heretofore this day subscribe and swear to said Affidavit before me.

WHEREAS, I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief he expresses therein and established the existence of proper grounds for the issuance of this Warrant;

NOW, THEREFORE, you are hereby commanded to enter the location set forth in the Affidavit as the location of the single-family dwelling premises and yard area located at [ADDRESS] Pearland, Texas, and search and inspect said premises to determine the existence of any violation of health, fire or building regulations, ordinances, or statutes. You may also call upon any City, State, or County official to aid and inspect the property to assist you to determine the existence of any of the violations.

WITNESS my signature on this the _____ day of _____, A.D. 20__ at _____ o'clock _____. m.

MAGISTRATE, _____ COUNTY, TEXAS

SEARCH WARRANT RETURN AND INVENTORY

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

The undersigned Affiant, being a Peace Officer or Code Enforcement Officer under the laws of the State of Texas, and being duly sworn, on oath duly certifies that the Honorable _____ on the ____ day of _____, 20____, issued a search warrant authorizing the inspection of certain property or items, to wit:

LOCATION ADDRESS AND LEGAL DESCRIPTION, OTHER RELEVANT INFO

Affiant states that the said warrant came to hand on the day it was issued and that it was executed on the ____ day of _____, 20____, by inspecting the property or items as follows, to wit:

LOCATION ADDRESS AND LEGAL DESCRIPTION, OTHER RELEVANT INFO

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the ____ day of _____, 20____.

Notary Public in and for Brazoria County, Texas