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CITY OF TOWNVILLE,
Plaintiff,

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IN THE DISTRICT COURT

VS.

TOWN COUNTY, TEXAS

JOHN SMITH,
Defendant.

_____ JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER AND ORDER
SETTING HEARING FOR TEMPORARY INJUNCTION**

On this day, came to be heard the Plaintiff’s Request for Temporary Restraining Order. Samantha Smith, attorney for the City of Townville, appeared in person. Defendant John Smith did/did not appear.

City of Townville, Plaintiff, in this cause, has filed a verified petition for a temporary injunction and, in connection therewith, has presented a request for a temporary restraining order, as set forth in *City of Townville’s Original Petition, Request for Temporary Restraining Order, Request for Temporary and Permanent Injunction, and Request for Disclosures*.

It clearly appears from the facts set forth in City of *City of Townville’s Original Petition, Request for Temporary Restraining Order, Request for Temporary and Permanent Injunction, and Request for Disclosures* that unless John Smith, Defendant, is immediately ordered to take all necessary action to cease and desist from maintaining the property located at Block G/7122, Lot 4, commonly known as 1815 Smith Street, Townville, Town County, Texas (the “Property”) with sewage leaking on the Property and a public alley and as a property without essential utilities, specifically gas, that Defendant will continue to commit the foregoing act before notice can be given and a

hearing is had on Plaintiff's motion for temporary injunction; and that if the commission of the act is not restrained immediately, that the City of Townville, Townville citizens, and the tenants on the Property will suffer irreparable injury from the adverse public health effects of the leaking sewage and lack of gas service.

IT IS THEREFORE ORDERED that Defendant is immediately ordered to cease and desist from maintaining and operating the Property as a place with sewage leaking on the Property and onto the public alley. Specifically, Defendant shall cease and desist from failing to provide and maintain in operating condition connections to discharge sewage from a structure or land into a public sewer system in violation of Section 27-11(c)(1) of the Townville City Code at the Property located at 1815 Smith Street, Townville, Texas. In addition, Defendant shall cease and desist from maintaining and operating the Property as a place without essential gas utility service. Specifically, Defendant shall cease and desist from failing to provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120 Fahrenheit within each structure intended for human habitation in violation of Section 27-11(c)(4) and failing to provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human occupancy in violation of Section 27-11(c)(5) at the Property located at 1815 Smith Street, Townville, Texas.

IT IS FURTHER ORDERED that the clerk shall issue notice to Defendant of the hearing on Plaintiff's application for temporary injunction. The purpose of this hearing shall be to determine whether this temporary restraining order along with the other violations listed and alleged in *City of Townville' Original Petition, Request for Temporary Restraining Order, Request for Temporary and Permanent Injunction, and*

Request for Disclosures should be made a temporary injunction pending a full trial on the merits.

No bond is necessary to be posted by Plaintiff, City of Townville.

This Order expires on _____, 2012 and the hearing on Plaintiff's application for temporary injunction is set for the _____ day of _____, 2008 at _____ .m.

Signed on _____, 2012 at _____ a.m./p.m.

PRESIDING JUDGE