



Defendant Michael C. Gbodjor owns and controls the structures and property located at 1233, 1235, 1237, and 1239 Jim Drive, in the City of Irving, Texas.

Defendant U.S. Bank National Association owns and controls the structures and property located at 1241, 1243, 1245, and 1247 Jim Drive in the City of Irving, Texas.

Venue is proper and this Court has jurisdiction pursuant to Section 54.013 of the Texas Local Government Code.

The "Property" is located at a point beginning in the west line of Oakwood Lane, 343 feet North of the North line of Pioneer Drive (60 foot wide street); Thence North along the West line of Oakwood Lane 211 feet to a point for corner in the South line of Oakwood Addition; Thence West along the South line of said Addition 731 feet to a point for corner; Thence South 211 feet to a point for corner; Thence East 731 feet to the point of Beginning (also known as 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, and 1249 Jim Drive), Irving, Texas (the "Property").

The Property consists of an apartment complex with a private street through the complex and six buildings on each side of the street. Each building has four units. The structures on the Property are occupied. Various violations of the Zoning and Subdivision Ordinances and the Code of Civil and Criminal Ordinances of the City of Irving exist on the Property.

These ordinances relate to:

- a. The preservation of public safety, relating to the material or methods used to construct a building or other structure or improvement, including the foundation,

structural elements, electrical wiring or apparatus, plumbing fixtures, entrances, or exits;

b. The preservation of public health or to the fire safety of a building or other structure or improvement;

c. Dangerously damaged or deteriorated structures or improvements;

d. Conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or

e. Zoning that provides for the use of land or classifies a parcel of land according to the city's classification scheme.

Persons other than Defendants and property other than that of the Defendants will continue to suffer adverse health impacts and/or risk substantial danger of injury unless Defendants complies with one or more of these ordinances. These violations of the ordinances threaten harm that is irreparable.

**IT IS THEREFORE ORDERED** that pursuant to Sections 54.016 and 54.018 of the Texas Local Government Code, Defendants shall do the following:

a. Provide and maintain every window which opens directly to or from an outdoor space equipped with a tightly fitting insect-proof screen of not less than sixteen (16) mesh per inch on or before January 1, 2010 and continue to replace and repair the screens on the Property;

b. Repair and maintain all glazing materials free from cracks and holes on or before November 1, 2009;

c. Repair and maintain the roof and flashing sound, tight, and without defects that admit rain; provide and maintain adequate roof drainage to prevent dampness or

deterioration in the walls or interior portion of the structure; maintain roof drains, gutters, and downspouts in good condition and free from obstructions on or before January 1, 2010;

d. Provide and 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 January 1, 2010;

e. Repair and maintain all exterior walls free from holes, breaks, and loose or rotting materials on or before January 1, 2010;

f. Repair and maintain all exterior surfaces, including, but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition; protect and maintain exterior wood surfaces, other than decay resistant woods, from the elements and decay by painting or other protective covering or treatment; repair and maintain peeling, flaking, and chipped paint and surfaces; maintain all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights weather resistant and water tight; coat all metal surfaces and other surfaces subject to rust or corrosion to inhibit such rust and corrosion and all remove oxidation stains from exterior surfaces and maintain such coating on or before January 1, 2010;

g. Repair and 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 January 1, 2010;

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- h. Provide and maintain legible parking and fire lane markings on or before January 1, 2010;
- i. Provide and maintain all exposed ground with pavement, stone screenings, other solid or semi-pervious material, or vegetative growth that is capable of eliminating soil erosion and dust, and that is free of holes and depressions that may injure a person or property on or before January 1, 2010;
- j. 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 November 1, 2009 and maintain the Property free from such trees and tree limbs;
- k. Repair and maintain fences, gates, and screening walls in good condition on or before November 1, 2009;
- l. Repair and maintain food-contact surfaces smooth and easily cleanable, impermeable to liquid, unpainted, not resurfaced, free from breaks, seams, cracks, chips, pits, or similar imperfection; and free from difficult-to-clean internal corners or crevices on or before January 1, 2010;
- m. Provide and maintain every exterior and interior flight of stairs having more than four (4) risers with a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than thirty (30) inches above the floor or grade below with guards on or before November 1, 2009, and continue to maintain in accordance with Section 8-26(d) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;

- n. Maintain all structures free from insect and rodent infestation on or before November 1, 2009, and continue to maintain the Property free from rodents and vermin;
- o. Repair and maintain sheetrock such that it is free of penetrations on or before November 1, 2009;
- p. Repair and maintain receptacles so that live wiring terminals are not exposed to contact on or before November 1, 2009;
- q. Remove all outside storage, including building materials, motor vehicle parts, tires, hubcaps, chemicals, furniture, yard swings, waterscape, art form, barbecue grills, outdoor equipment, and children's playground equipment and toys, appliances not designed for outdoor use, tools, mobile or mechanical equipment not connected to the principal use, and boxes on or before November 1, 2009;
- r. Remove outside storage, i.e. vehicles which are inoperative, on the same lot or tract on two (2) consecutive days, and either showing external damage to the body or frame or partially and visibly dismantled on or before November 1, 2009;
- s. Provide and maintain security devices (i.e. a keyless bolting device, a door viewer on each exterior door of the dwelling, and window latches) on or before November 1, 2009;
- t. Provide and maintain all systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof in an operable condition at all times in accordance with the International Fire Code on or before November 1, 2009;
- u. Repair and maintain mechanical systems, both existing and new, and parts thereof in proper operating condition in accordance with the original design and in a safe and

sanitary condition on or before November 1, 2009, and continue to in accordance with the International Mechanical Code as adopted by the City of Irving, Texas;

v. Repair and maintain internal parts of the electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, free from damage or contamination by foreign materials such as paint, plaster, cleaners, or abrasives, and corrosive residues, any damaged parts that might adversely affect safe operation or mechanical strength of the equipment such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating, or foreign debris on or before November 1, 2009;

w. Provide and maintain dwelling unit numbers of the unit's main entrance distinguishing the unit from all other units Property and the numbers shall be no less than one and one-half (1 1/2) inches in height and the stroke shall be one-fourth (1/4) inch on or before November 1, 2009;

x. Repair and maintain specification of numbers assigned by the city, in a durable material which shall not tarnish, fade, corrode, or peel on account of the action of the elements, in a color contrasting to its background, and visible from the public street, alleyway, and any other access on or before November 1, 2009;

y. Mow weeds and grass to a height lower then ten (10) inches on or before November 1, 2009 and maintain the Property with the grass and weeds to a height lower than 10 inches;

z. Maintain property free from weeds, rubbish, brush, refuse, junk or garbage, or impure or unwholesome matter of any kind, or objectionable, unsightly matter of whatever nature on or before November 1, 2009;

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- aa. Maintain vacant units, structures, and premises thereof or vacant land in a clean, safe, secure, and sanitary condition on or before November 1, 2009;
- bb. Maintain all vacant or unoccupied structures or parts of structures completely secure from unauthorized entry on or before November 1, 2009;
- cc. Maintain refuse bags secure and closed so that flies and other insects may not have access to the contents thereof, on or before November 1, 2009; and
- dd. Provide and maintain doors or covers of all mechanical garbage containers secure and fastened so that flies and other insects may not have access to the contents thereof on or before November 1, 2009; and continue to maintain all doors or covers so as not to be opened except while the containers are being filled or emptied.

**IT IS FURTHER ORDERED** that Defendants shall ensure that all necessary permits are obtained prior to remedying the violations above, that the work is performed in a good and workmanlike manner, and that the repairs are conducted and the Property is maintained in accordance with the Irving City Code and all applicable codes and statutes.

**IT IS FURTHER ORDERED** that should Defendants fail to maintain all vacant or unoccupied structures or parts of structures completely secure from unauthorized entry, that the City of Irving may enter the Property, secure the Property, and place a lien on the Property for the City's costs.

**IT IS FURTHER ORDERED** that Defendants shall make the Property, including the interior of the Property, available for inspection to determine compliance with this Injunction at 9 a.m. on November 2, 2009 and January 5, 2010 unless otherwise agreed in writing by the parties hereto.



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**IT IS FURTHER ORDERED** that the City of Irving, through its agents, may enter the Property and inspect the interior and exterior of the Property at any time with or without notice to Defendants.

**IT IS FURTHER ORDERED** that Defendants shall provide notice of this Temporary Injunction to any subsequent holder, successor in interest, purchaser, or owner, and inform such subsequent holder, successor in interest, purchaser, or owner that he or she shall be bound by the terms and conditions contained within this Temporary Injunction.

No bond is required to be posted by Plaintiff City of Irving.

In addition to other authorized persons certified by the State of Texas, Walter O. Busby (SC#00276), a certified process server in the State of Texas, may serve this Order on Defendants pursuant to Rules 103 and 536(a) of the Texas Rules of Civil Procedure.

The Court further sets a status hearing and hearing on the City's request to appoint the receiver at 10 a.m. on January 22, 2010.

The permanent injunction hearing and full trial on the merits is set for June 7, 2010 at 9 a.m. in the 116th Judicial District Court of Dallas County, Texas.

Signed this 19<sup>th</sup> day of <sup>October</sup>~~September~~ 2009.

  
PRESIDING JUDGE