

NO. _____

**STATE OF TEXAS,
Plaintiff,**

v.

**BOBBIE JEAN HECKARD and
CHRISTOPHER HENDERSON
Defendants.**

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IN THE DISTRICT COURT OF

____ **JUDICIAL DISTRICT**

EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff, State of Texas, has filed its Original Petition in this cause seeking a Temporary and Permanent Injunction against BOBBIE HECKARD and CHRISTOPHER HENDERSON and in the same petition has presented its request for an Ex Parte Temporary Restraining Order. The Court FINDS that Defendants may be violating §§17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § §17.41 *et. seq.* (DTPA). It appears from facts set forth in the Plaintiff’s Original Petition and the exhibits and sworn affidavits attached thereto, that unless Defendants are immediately restrained from the acts prohibited below, Defendants will commit such acts before notice can be given and a hearing can be held on the State of Texas’ request for a Temporary Injunction. Furthermore, Defendants will continue to use deceptive tactics and misrepresentations and may well dissipate and secrete their assets before a judgment for restitution can be rendered. Such injury would be irreparable because continued violations of the DTPA may well cause more consumers to lose their homes through deceptive transactions. Given the likelihood of dissipation of Defendants’ assets prior to rendition of a final

judgment, the possibility of restitution for consumers will be remote unless an order freezing certain assets is granted.

1. **IT IS THEREFORE ORDERED** that Defendants **BOBBIE HECKARD** and **CHRISTOPHER HENDERSON**, their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained from engaging in the following acts or practices:

A. Transferring, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, or other written or computer generated materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause;

B. Leasing, assigning, transferring, disposing of, selling, encumbering, or attempting to lease, assign, transfer, encumber, or sell the property located at 3119 Ebbtide Drive, Houston, Texas 77045 with legal description as follows: LOT TWENTY TWO (22) IN BLOCK FIVE (5) OF GLEN IRIS, SECTION ONE (1), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 177, PAGE 44 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS;

C. Filing or attempting to file an eviction notice or action against Jackie Grounds or attempting, in any manner, to remove or evict Jackie Grounds from the property located at 3119 Ebbtide Drive, Houston, Texas 77045;

D. Failing to timely pay the mortgage to NovaStar Mortgage Company on the 3119 Ebbtide Drive, Houston, Texas property; and

E. Undertaking any civil action or other action the purpose of which is to evict Jackie Grounds from the property at 3119 Ebbtide Drive, Houston, Texas 77045;

2. **IT IS ALSO ORDERED** that Defendant **BOBBIE HECKARD**, her officers, agents, servants, employees, attorneys and any other persons in active concert or participation with her who receives actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be further restrained from engaging in the following acts or practices:

A. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, depleting, modifying, dissipating, distributing, or allowing the transfer, removal, or withdrawal from any financial institution or from any other location, any money, cash, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal or mixed, wherever situated, belonging to or owned by, in possession or custody of, standing in the name of, or claimed by Defendant **Bobbie Heckard**;

B. Giving, providing, or offering advice or counsel to any person, homeowner, or consumer regarding real estate matters, laws, procedures, rights, privileges, or documents;

C. Representing to any person, expressly or by implication, that Defendant can or will represent the interest of another with a mortgage company, financial institution or lender, including any proceeding relating to a mortgage foreclosure or real property sale;

D. Selecting, drafting, completing, or preparing real estate related forms, contracts, deeds, or real estate or legal documents of any type to be used or filed on behalf of persons seeking to sell or purchase real estate or obtain relief from any foreclosure process related to any real property;

E. Advising persons, expressly or by implication, of the type of form, application or

document needed in any type of proceeding relating to mortgage foreclosures or the transfer of real estate;

F. Giving persons advice or counsel of any kind regarding their rights under the real estate laws of the United States or Texas;

G. Soliciting, collecting, or accepting fees or compensation of any type, for providing any type of mortgage foreclosure or real estate related services to consumers, investors or others;

H. Representing, expressly or by implication, that Defendant is able to provide or obtain relief on behalf of another facing mortgage foreclosure proceedings;

I. Advertising real-estate related services of any kind via the Internet, telephone radio, TV, electronic broadcast, print (i.e. newspapers, magazines, business cards, etc.), or in person;

J. Purchasing, assigning, transferring, selling, encumbering, or taking title to any real property owned by Defendant Heckard or others, including the sale of the residences situated at 1315 Whispering Pine Drive, Missouri City, Texas 77489 and 3439 Quail Meadow Drive, Missouri City, Texas 77459, Fort Bend County, Texas;

K. Assisting or working with others to purchase, assign, transfer, or sell any real property or any interest in same; and

L. Soliciting persons listed on the foreclosure rolls of Houston or any other city; and

M. Buying or selling any real property, or assisting others in buying or selling any real property without approval of this court in advance.

3. **IT IS FURTHER ORDERED** that Defendant **BOBBIE HECKARD** advise any financial or brokerage institution, escrow agent, title company, storage facility, commodity trading company, business entity or person maintaining or having custody or control of any account or other asset of

Defendant **BOBBIE HECKARD** to within five (5) business days of the date of service of this Order, provide to counsel for the Plaintiff and the defendant/account holder a statement or letter setting forth:

- A. The identification of each account or asset titled in the name, individually or jointly, of Defendant Heckard, or held on behalf of, or for the benefit of, Defendant Heckard;
- B. The balance of each such account, or a description and estimated value of such assets, as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other assets was remitted; and
- C. The identification of any safe deposit box or storage facility that is either titled in the name individually or jointly, of Defendant Heckard, or is otherwise subject to access or control by Defendant Heckard.

4. **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that, as used in this Judgment, the following terms are defined as follows:

- A. “Consumer” means an individual, partnership, corporation, or entity of any kind, including this state, or a subdivision or agency of this state who seeks or acquires, by purchase or lease, any goods or services;
- B. “Defendant(s)” means **BOBBIE JEAN HECKARD** and **CHRISTOPHER HENDERSON**, their successors, assigns, officers, agents, subcontractors, servants, employees, corporations and any other persons in active concert or

participation with them, including ESAU HECKARD;

- C. "Person" means an individual, sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity, however organized;
- D. "Sell" or "market" means any type of contact with a person or entity for the purpose of requesting, persuading, or seeking any type of contribution, sponsorship, compensation, or anything of value from said person or entity for any reason whatsoever.

5. **IT IS FURTHER ORDERED** that Plaintiff and Defendants shall be granted leave to take telephonic, video, written, and other depositions prior to any scheduled temporary injunction hearing and prior to Defendants' answer date upon reasonable shortened notice to the attorneys for all parties.

6. **IT IS FURTHER ORDERED** that Defendants in this cause be and hereby are commanded forthwith to comply with this Order from the date of entry until and to the fourteenth (14) day after entry or until further order of this Court, whichever is less.

7. The Clerk of the above-entitled Court shall forthwith issue an ex parte temporary restraining order in conformity with the law and the terms of this Order. This Order shall be effective without the execution and filing of a bond as Plaintiff, State of Texas is exempt from such bond under TEX. BUS. & COM. CODE ANN. §17.47(b).

8. Hearing on Plaintiff, State of Texas' Application for a Temporary Injunction is hereby set for the ____ day of _____, 2005, at _____ o'clock __. M.

SIGNED this _____ day of _____, 2005 at _____ o'clock, ____ m.

JUDGE PRESIDING