CAUSE NO. 2010CVQ000087D2

THE STATE OF TEXAS,	§	**IN THE DISTRICT COURT OF**
Plaintiff	§	
	§	
V.	§	
	§	
	§	**WEBB COUNTY, TEXAS**
CATARINA GARZA &	§	
REAL PROPERTY LOCATED AT	§	
2313 SAN LEONARDO,	§	
LAREDO, TEXAS	§	
Defendants	§	**111th JUDICIAL DISTRICT**

FINAL ~~DEFAULT~~ JUDGMENT

On this 6th day of April, 2010, the court called this case for trial. Plaintiff, the State of Texas, appeared in person and through her attorney. Defendant, Catarina Garza, did ~~not~~ appear. Defendant Real Property Located at 2313 San Leonardo, Laredo, Webb County, Texas 78040 did ~~not~~ appear. The court determined that it had jurisdiction over the subject matter and the parties to this proceeding. Plaintiff moved for default judgment, and after considering the pleadings and papers on file in this case as well as the evidence Plaintiff presented supporting the equitable relief requested and attorney fees, the court grants the motion.

The court finds:

1. Plaintiff filed its original petition in this suit on January 19, 2010.

2. The Plaintiff has filed suit against the Defendants alleging that the Defendants have knowingly maintained the premises at 2313 San Leonardo, Laredo, Webb County, Texas 78040, which is legally described as: *N30.73' of S39.4' of Lot 6 Blk 708A WD & 1 1967 mobile home 12x56 Fleetwood-white w/ peach S#WCTS5561,* as a place where persons habitually go for the purpose of possession, use and delivery of controlled substances and/or marihuana, in violation of the Texas controlled Substances Act, codified at Chapter 481 of the Health and Safety Code. This constitutes

a common nuisance as defined by the Texas Civil Practice & Remedies Code Annotated §125.001 (Vernon Supp. 2003).

3. Defendant, Catarina Garza, was properly and personally served with the citation and a copy of the Plaintiff's petition on February 3, 2010 The citation and proof of service have been on file with the clerk at least ten days, excluding the day of filing and today.

4. The deadline for Defendant, Catarina Garza, to file an answer was March 1, 2010; however, Defendant did not file an answer or a pleading ~~and~~ but did ~~not~~ enter an appearance. on April 6, 2010

5. Defendant, Catarina Garza's, last known address is 13125 Fawn Dr., Laredo Texas

6. Defendant, Catarina Garza, is not a member of the United States military.

7. Defendant Real Property Located at 2313 San Leonardo, Laredo, Webb County, Texas 78040 , was properly and personally served with the citation and a copy of the Plaintiff's petition on February 3, 2010 by serving Catarina Garza. The citation and proof of service have been on file with the clerk at least ten days, excluding the day of filing and today.

8. The deadline for Defendant Real Property Located at 2313 San Leonardo, Laredo, Webb County, Texas 78040, to file an answer was March 1, 2010; however, Defendant did not file an answer or a pleading ~~and~~ but did ~~not~~ enter an appearance. on April 6, 2010

9. Plaintiff proved its allegations contained in her Original Petition through the affidavit of United States Border Patrol Agent Adela Zapata and attached offense reports exhibits.

10.. Plaintiff requested reasonable attorney fees and filed an affidavit proving attorney fees of $ 500 .

THEREFORE, the Court GRANTS Plaintiff's Motion for ~~Default~~ Judgment on Defendants Catarina Garza and Real Property Located at 2313 San Leonardo, Laredo, Webb County, Texas 78040.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED, that a Permanent Injunction be issued against the property located at 2313 San Leonardo, Laredo, Webb County, Texas 78040, which is legally described as: *N30.73' of S39.4' of Lot 6 Blk 708A WD & 1 1967 mobile home 12x56 Fleetwood-white w/ peach S#WCTS5561.*

IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED, that the property located at 2313 San Leonardo, Laredo, Webb County, Texas 78040, shall be closed for a period of one year. The closure of the subject property shall take effect on April 13, 2010, in order to allow time for the defendants and/or other occupants to remove personal items and find other housing. The closure of the property shall last until April 13, 2011.

IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED, the State of Texas and the United States Border Patrol and/or the Laredo Police Department and/or the Webb County Sheriff Department are hereby directed to seal shut all entryways, doorways, exits and windows at 2313 San Leonardo, Laredo, Webb County, Texas 78040, which is legally described as: *N30.73' of S39.4' of Lot 6 Blk 708A WD & 1 1967 mobile home 12x56 Fleetwood-white w/ peach S#WCTS5561*, as to prohibit the use or occupancy of said property.

IT IS FURTHER, ORDERED, ADJUDGED, AND DECREED, the State of Texas and the United States Border Patrol and/or the Laredo Police Department and/or the Webb County Sheriff Department are hereby directed to post "No Trespassing" signs and a copy of this Final Default Judgment on the property located at 2313 San Leonardo, Laredo, Webb County, Texas 78040, which is legally described as: *N30.73' of S39.4' of Lot 6 Blk 708A WD & 1 1967 mobile home 12x56 Fleetwood-white w/ peach S#WCTS5561.*

IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED, the Defendant, his/her lessees, agents, employees, assigns, successors in interest, and other persons in privity with the Defendant are hereby commanded to desist and refrain from occupying or using the property located

at 2313 San Leonardo, Laredo, Webb County, Texas 78040, which is legally described as: *N30.73' of S39.4' of Lot 6 Blk 708A WD & 1 1967 mobile home 12x56 Fleetwood-white w/ peach S#WCTS5561*, for a period of one year beginning April 13, 2010 and lasting until April 13, 2011.

IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED, that the Defendants, Catarina Garza and Real Property Located at 2313 San Leonardo, Laredo, Webb County, Texas 78040, shall give notice to all lessees, agents, employees, assigns, successors in interest, and other persons in privity with the defendant, of the terms and conditions of this Final Default Judgment.

IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED, ~~that the~~ Plaintiff recover from the Defendant attorney fees in the amount of $ 0 as well as Plaintiff's costs, and that execution issue for this judgment.

Plaintiff shall be allowed such writs and processes as may be necessary in the enforcement and collection of this Final Default Judgment. The State of Texas is exempt from the posting of any bonds for the issuance of this injunction. The court expressly denies all relief not expressly granted.

SIGNED the 6th day of April, 2010.

PRESIDING JUDGE

APPROVED AND ENTRY REQUESTED:

LANCE A. KUTNICK
Assistant Attorney General
State Bar No. 00791058
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Phone No. (512) 463-3038
Attorney for Plaintiff

A true copy of the original, I certify, the 6th day of April, 2010
MANUEL GUTIERREZ
Clerk of the District Courts and
County Court at Law, Webb County, Texas
By _____ Deputy