

Cause No. D-1-GV-09-001140

STATE OF TEXAS,

Plaintiff,

v.

GARTH D. HERRO, et al.,

Defendants.

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

Filed in the District Court
of Travis County, Texas

TJ SEP 06 2012

At 1:51 P.M.
Amalia Rodriguez-Mendoza, Clerk

AGREED ORDER OF CONTEMPT

On September 6, 2012, the Court called a hearing on the State's Motion for Contempt of the Agreed Final Judgment signed by the Court in this case. The State filed its Motion requesting that the Court hold Defendants Garth D. Herro, Sr., and Josephine Herro in contempt of court for their failure to comply with the terms of the Agreed Final Judgment signed on April 4, 2012.

Plaintiff, the State of Texas, appeared by and through the Office of the Attorney General of Texas. The State and the Defendants, through their attorney, announced that they had agreed to this Agreed Order of Contempt, subject to the approval of this Court.

After examining the pleadings, the Court finds and holds the following:

1. This Court has jurisdiction over this proceeding;
2. This Court signed an Agreed Final Judgment in this cause on April 4, 2012; and
3. The Agreed Final Judgment unambiguously ordered Defendants to:
 - a. *Immediately* execute and deliver to Luis DeLeon and file in the appropriate Nueces County records a release of vendors' lien for Lots 24, 25, 26, and 27 in Block 2 of Country Club Estates West Subdivision and *immediately* forgive the remaining debt that Luis Demetrio DeLeon owes to Defendants for his purchase of those lots; and
 - b. Pay \$11,000 to Luis DeLeon and Romelia DeLeon for the purpose of installing proper water supply and/or sewage disposal facilities at Lots 24 and 25, to be paid in no more than 18 consecutive monthly payments, the first of which shall be made *no later than May 4, 2012*;

4. Defendants Garth D. Herro and Josephine Herro signed the Agreed Final Judgment, agreeing and approving the document as to both form and substance. Defendants agreed that they had full notice of the Judgment and its contents;
5. Defendants Garth D. Herro and Josephine Herro were given proper notice of a show-cause hearing set for September 6, 2012, as they were both served with an Order to Show Cause and a copy of the State's Motion for Contempt on July 30, 2012; and
6. Defendants Garth D. Herro and Josephine Herro knowingly and willfully violated the Court's Agreed Final Judgment by failing to timely execute, file and deliver a release of vendors' lien to Luis Demetrio DeLeon for Lots 24, 25, 26, and 27 in Block 2 of Country Club Estates West Subdivision; and by failing to timely pay any or all of \$11,000 to Luis DeLeon for the purpose of installing proper water supply and/or sewage disposal facilities at Lots 24 and 25.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that:

1. Defendants Garth D. Herro and Josephine Herro are in contempt of Court because they knowingly and willfully failed to timely (a) execute, file, and deliver a release of vendors' lien to Luis Demetrio DeLeon for Lots 24, 25, 26, and 27 in Block 2 of Country Club Estates West Subdivision; and (b) pay any or all of \$11,000 to Luis DeLeon for the purpose of installing proper water supply and/or sewage disposal facilities at Lots 24 and 25;
2. Defendants Garth D. Herro and Josephine Herro are fined \$500 each as punishment for their failure to timely comply with the Court's injunction in the April 4, 2012 Agreed Final Judgment.

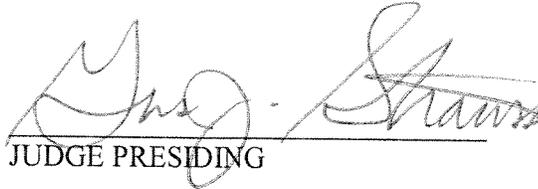
IT IS FURTHER ORDERED that Defendants Garth D. Herro and Josephine Herro shall

by **September 28, 2012** comply with the following:

1. Defendants Garth D. Herro and Josephine Herro shall execute, file with the Nueces County Clerk, and deliver to Luis DeLeon, a release of vendors' lien for Lots 24, 25, 26, and 27 in Block 2 of Country Club Estates West Subdivision, pursuant to paragraph 7.1 of the April 4, 2012 Agreed Final Judgment. Defendants shall also refund to Luis DeLeon \$597.60 for payments inadvertently made to the Defendants after the Agreed Final Judgment; and
2. Defendants Garth D. Herro and Josephine Herro shall pay \$3,055.55 to Luis DeLeon and Romelia DeLeon jointly as the past-due payments for the purpose of installing water supply and/or sewage disposal facilities on Lots 24 and 25, pursuant to paragraph 7.2 of the April 4, 2012 Agreed Final Judgment.

IT IS FURTHER ORDERED that a hearing shall be set to determine Defendants' compliance with this Agreed Order of Contempt and to determine any further appropriate contempt remedies.

SIGNED this 6th day of September, 2012.


JUDGE PRESIDING

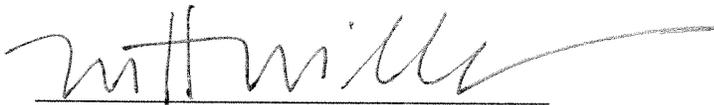
AGREED AND APPROVED AS TO BOTH FORM AND SUBSTANCE:

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JOHN B. SCOTT
Deputy Attorney General for Civil Litigation

JON NIERMANN
Chief, Environmental Protection Division



MATTHEW B. MILLER
Assistant Attorney General
State Bar No. 24074722
Office of the Attorney General
Environmental Protection Division
P.O. Box 12548, MC-018
Austin, Texas 78711-2548
Phone: (512) 463-2012
Fax: (512) 320-0911
Email: matt.miller@texasattorneygeneral.gov

ATTORNEYS FOR THE STATE OF TEXAS

AGREED AND APPROVED AS TO BOTH FORM AND SUBSTANCE:

THE LAW OFFICE OF MARC E. VILLARREAL, P.C.
719 S. Shoreline Blvd., Suite 300
Corpus Christi, Texas 78401
Tel: (361) 883-0620
Fax (361) 883-0612

By: _____


MARC E. VILLARREAL
State Bar No. 00791856

ATTORNEYS FOR DEFENDANTS,
GARTH D. HERRO, SR., and JOSEPHINE HERRO