

CAUSE NO. 2018-13011

| | | |
|--------------------------------|---|------------------------------------|
| THE STATE OF TEXAS | § | IN THE DISTRICT COURT OF |
| <i>Plaintiff</i> | § | |
| | § | |
| VS. | § | |
| | § | HARRIS COUNTY, TEXAS |
| TU W. NGUYEN, TUOI T. NGUYEN, | § | FILED |
| THE REAL PROPERTY KNOWN AS | § | Marilyn Burgess |
| 1824 THONIG ROAD, HOUSTON, TX, | § | District Clerk |
| THE REAL PROPERTY KNOWN AS | § | JAN 11 2019 |
| 5701 GARDENDALE DRIVE, | § | Time: _____ |
| HOUSTON, TX AND THE REAL | § | Harris County, Texas |
| PROPERTY KNOWN AS 7507 LONG | § | By _____ |
| POINT RD., HOUSTON, TX, IN REM | § | Deputy |
| <i>Defendants.</i> | § | 80 th JUDICIAL DISTRICT |

AGREED JUDGMENT OF CONTEMPT

On January 11, 2019, the motion for contempt filed in this cause by the State of Texas against Defendants, Tu W. Nguyen, and the Real Properties located at 1824 Thonig Road, Houston, Texas 77055, 5701 Gardendale Drive, Houston, Texas 77092, and 7507 Long Point Rd., Houston, Texas 77055, *in rem*, (hereinafter "Defendants") was heard. The Motion for Contempt asserted to the Court that Defendants were in violation of the Court Order in this case signed on September 14, 2018. This Agreed Order on Temporary Injunction ("Agreed Order") placed the following duties on Defendants:¹

- (i) Maintain at least two TCLEOSE certified peace officers to secure each of the Apartment properties;
- (ii) Maintain operable security cameras located on the apartments, recording at all times throughout the Apartment Properties.
- (iii) Screen potential tenants and do not lease to anyone convicted of a felony, violent crime, sex crime, narcotics offense, or who has an association with any gang activity;

¹ Exhibit A, Agreed Order on Temporary Injunction.

For Official Governmental Use Only - Do Not Disseminate to the Public: 83315749 - Page 1 of 5

Lu

- (iv) Improve the lighting at the Apartment Properties to include adding additional lights to eliminate dark spaces in the parking areas, courtyards, trash receptacle areas, mailrooms, laundry rooms, and walkways, and shall inspect the property for any burned out or missing lights, and any damaged or missing light fixtures and repair or replace them immediately;
- (v) Not to knowingly maintain a common nuisance at any of the properties listed above.

After examining all of the pleadings and hearing the evidence and arguments, the Court finds and now holds that this Court has jurisdiction of this proceeding; that this Court granted a Temporary Injunction against Defendants on September 14, 2018; and, that Defendants were afforded due and proper notice of this contempt proceeding.

The Court finds that Defendants are in willful violation of the Agreed Order. Specifically, the Court finds that Defendants violated the Agreed Order at **1824 Thonig** as follows:

- 1) VIOLATIONS OF SUBSECTION II.A.i-ii: MAINTAIN CERTIFIED PEACE OFFICERS ON SITE 24 HOURS A DAY.
 - Sept. 19, 2018: No report of onsite police security or management present.
 - Sept. 20, 2018: No report of onsite police security or management present.
 - Nov. 6, 2018–Nov. 14, 2018: No report of onsite police security or management present.
- 2) VIOLATIONS OF SUBSECTION II.A.iii: MAINTAIN OPERABLE SECURITY CAMERAS.
 - Nov. 6, 2018–Nov. 14, 2018: No working security cameras.
- 3) VIOLATIONS OF CONDITIONS OF BOND: NOT KNOWINGLY MAINTAIN A COMMON NUISANCE AT 1824 THONIG.
 - Oct. 25, 2018: Police were called in response to a drug-related fight. Police have responded at least three previous times to this apartment for drug-related violence.

- Oct. 27, 2018: Police were called in response to an assault with bodily force.

The Court further finds that Defendants violated the Agreed Order at **5701 Gardendale**

as follows:

- 1) VIOLATIONS OF SUBSECTION II.A.i-ii: MAINTAIN CERTIFIED PEACE OFFICERS ON SITE 24 HOURS A DAY.
 - Nov. 1, 2018: No report of onsite police security or management present.
 - Nov.7-14, 2018: No report of onsite police security or management present.
- 2) VIOLATIONS OF SUBSECTION II.A.iii: MAINTAIN OPERABLE SECURITY CAMERAS.
 - Nov.7-14, 2018: No working security cameras.
- 3) VIOLATIONS OF SUBSECTION II.A.v: IMPROVE LIGHTING AND ELIMINATE DARK SPACES.
 - Nov.7-14, 2018: Areas of the property are poorly lit or totally unlit at night.
- 4) VIOLATIONS OF CONDITIONS OF BOND: NOT KNOWINGLY MAINTAIN A COMMON NUISANCE AT 5701 GARDENDALE.
 - Sept. 17, 2018: Police called in response to a report of criminal mischief involving a confrontation over illegal drugs that turned violent.
 - Sept. 26, 2018: Police were called in response to an aggravated assault.
 - Oct. 26, 2018: Police were called in response to an assault in progress.
 - Oct. 31, 2018: As part of an ongoing investigation into a prostitution and drug ring organized and run out of Nguyen's Apartment Property at 5701 Gardendale, confidential sources identified gang members from the Gangster Disciples running sex and drug trafficking activities in and around the Gardendale apartments.

The Court further finds that Defendants violated the Agreed Order at **7505/7507 Long Point Rd** as follows:

- 1) VIOLATIONS OF SUBSECTION II.A.i-ii: MAINTAIN CERTIFIED PEACE OFFICERS ON SITE 24 HOURS A DAY.
 - Nov. 6, 2018: No report of onsite police security or management present.
- 2) VIOLATIONS OF SUBSECTION II.A.iii: MAINTAIN OPERABLE SECURITY CAMERAS.
 - Sept. 21, 2018: No working security cameras.
 - Nov. 6, 2018: No working security cameras.
- 3) VIOLATIONS OF CONDITIONS OF BOND: NOT KNOWINGLY MAINTAIN A COMMON NUISANCE AT 7505/7507 LONG POINT RD.
 - Oct. 31, 2018: HPD patrol officers responded to a shooting call in the parking lot of 7505 Long Point Rd. in which a tenant of Defendant's property was shot multiple times during a physical altercation with an unknown suspect.

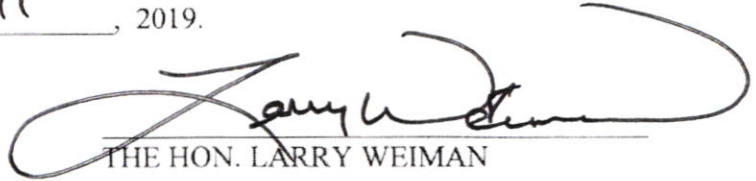
THE COURT FINDS that on each of the above dates Defendants failed to comply with the Agreed Order signed by the Court and that Defendants and are in Contempt of the Agreed Order.

IT IS ORDERED, ADJUDGED AND DECREED by the Court that, pursuant to Section 125.002(d) of the Texas Civil Practice and Remedies Code, Defendant **TU W. NGUYEN** shall pay a fine in the amount of \$ 5,000.00 and be confined in jail for a period of within (10) ten days of the date of this ORDER / *Judgman*

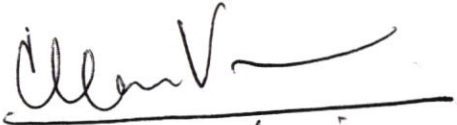
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for a Receiver is **Granted** according to the terms of the Order Appointing Receiver.

IT IS FURTHER ORDERED that the costs of this proceeding and attorney fees of Harris County are assessed against Defendants for which execution may issue.

SIGNED January 11, 2019.


THE HON. LARRY WEIMAN

Agreed:



Celera Vinson
Attorney for State of Texas



Deceh H. Beyon
TBN: 24075862
Attorney for Defendants



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this January 11, 2019

Certified Document Number: 83315749 Total Pages: 5

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com