

**CAUSE NO. C05691**

<b>CHRIS LAWRY,</b>	§	<b>IN THE COUNTY COURT</b>
<b>Plaintiff</b>	§	
	§	
	§	
<b>VS.</b>	§	<b>AT LAW</b>
	§	
	§	
<b>HOOD COUNTY AND LOIS JOPLIN</b>	§	
<b>Defendant</b>	§	<b>HOOD COUNTY, TEXAS</b>

**ORDER FOR ISSUANCE OF TEMPORARY INJUNCTION**

On October 25, 2010, after due notice was given, the Court heard Plaintiff's Application for Temporary Injunction in this cause. Plaintiff, Chris Lawry, and Defendants Hood County, by and through the County Judge Andy Rash, and Lois Joplin appeared. After considering Plaintiff's, Chris Lawry, application for a temporary injunction, the pleadings, affidavits, testimony at the temporary injunction hearing and argument of counsel contained in written memorandums submitted to the court before trial, the court finds that:

Section 7.002(b) of the Texas Local Government Code states the application to incorporate must state the proposed boundaries and name of the municipality and must be accompanied by a plat of the proposed municipality.

Section 5.901(3) of the Texas Local Government Code states that a community with more than 5,001 but less than 9,999 inhabitants must not have more than nine square miles of surface area.

The language of Section 5.902 and 7.002 of the Texas Local Government Code is mandatory and the plat and boundary description must set forth with some degree of certainty the boundaries of the municipality such that the surface area of the municipality can be calculated to determine if

the proposed municipality is eligible for incorporation pursuant to the provisions of the Local Government Code.

There is a probability that Plaintiff will prevail at a final trial on the merits as the plat and the boundary descriptions attached to the application to incorporate are, ~~as a matter of law~~, are based upon the evidence he at trial, are inadequate to demonstrate with any degree of certainty the actual boundaries of the proposed municipality and inadequate for any reasonable person to calculate the surface area of the proposed municipality so that such may be demonstrated to fall under the mandates of Section 5.901(2) or (3) of the Texas Local Government Code.

Unless the requested temporary injunction is granted and Defendants, their officers, agents, servants, employees and attorneys are enjoined for tabulating votes from the November 2, 2010 election on the issue of incorporation of "Pecan Plantation" and then certifying the results to the Hood County Judge and Commissioners Court Plaintiff will suffer irreparable injury. If the pending election proceeds, Plaintiff will be injured because if Plaintiff prevails on the trial of the merits, the election, either for or against incorporation, ~~would~~ could be declared "void" as a matter of law. Section 7.008 of the Texas Local Government Code would therefore prevent the Hood County Judge from ordering an incorporation election earlier than three years from November 2, 2010.

Plaintiff's bond in the amount of \$1000 will fully protect Defendants rights during the pendency of this action.

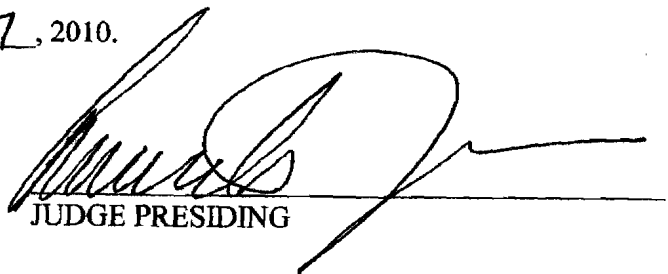
IT IS THEREFORE ORDERED that a temporary injunction issue, operative until judgment is entered in this cause, enjoining Defendants, their officers, agents, servants, employees and attorneys from tabulating the election results from the November 2, 2010 election to incorporate

Pecan Plantation as a Class B General Law city, regardless of the votes being made at early voting or on November 2, 2010, and enjoining Defendants, their officers, agents, servants, employees and attorneys from certifying any election results on the issue of incorporation Pecan Plantation to the County Judge of Hood County as provided for in Section 7.007 of the Texas Local Government Code, provided that, before the issuance of the injunction, Plaintiff must post bond in the amount of \$1,000, payable to the Defendants conditioned and approved as required by law and further conditioned upon the Plaintiff prosecuting his suit to final resolution.

IT IS FURTHER ORDERED that the foregoing cause is set for final trial on

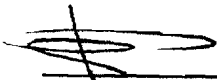
January 24, 2011 at 8:30 AM.

SIGNED ON October 27, 2010.



JUDGE PRESIDING

Approved as to form:



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ATTORNEY FOR PLAINTIFF  
CHRIS LAWRY

**FILED**

OCT 29 2010

*Sally Quire*  
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AT LAW HOOD COUNTY TX



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HOOD COUNTY AND LOIS JOPLIN