

NO. DCV-19-07510

CITY OF HOWARDWICK, TEXAS

Plaintiff,

v.

HOWARDWICK VOLUNTEER  
FIRE DEPARTMENT,

Defendant.

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IN THE DISTRICT COURT

100<sup>TH</sup> JUDICIAL DISTRICT

DONLEY COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, APPLICATION FOR TEMPORARY  
RESTRAINING ORDER, TEMPORARY INJUNCTION AND PERMANENT  
INJUNCTION, AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE COURT:

Comes Now, City of Howardwick, Texas, ("Plaintiff" or "City") and files this Original Petition against Defendant Howardwick Volunteer Fire Department ("Defendant" or "Howardwick VFD") and would show the Court the following:

**A. Discovery Statement**

1. Plaintiff intends that discovery be conducted as a Level 2 action under Rule 190.3 of the Texas Rules of Civil Procedure.

**B. Statement of Relief Sought**

2. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks non-monetary relief and monetary relief over \$200,000, but not more than \$1,000,000.

**C. Parties**

3. Plaintiff, the City of Howardwick<sup>1</sup>, is a governmental entity formed under the laws of the State of Texas and has its principal office and principal place of business in Howardwick, Donley County, Texas.

<sup>1</sup> The City of Howardwick, Texas is a Type A general-law municipality in Donley County, Texas.

4. Defendant, Howardwick Volunteer Fire Department<sup>2</sup>, is a domestic not for profit corporation with its principal place of business located at 247 Rick Husband Blvd., Howardwick, Texas 79226. Defendant may be served with citation by delivering same along with a copy of this petition to its registered agent, Brice C. Hawley<sup>3</sup>, at 247 Rick Husband Blvd., Howardwick, Texas 79226 or any other place that he may be found.

#### **D. Jurisdiction and Venue**

5. The damages and other relief sought are within the jurisdictional limits of the Court.

6. Venue is proper in this Court pursuant to Section 15.0002 (a)(1&2) of the Texas Civil Practices and Remedies Code because Defendant's principal office is located in Donley County and all or a substantial portion of the events or omissions giving rise to this claim occurred in Donley County, Texas.

#### **E. Facts**

##### **A. Plaintiff's Fire Department.**

7. On or about May 5, 1998, the City Council of the City of Howardwick, Texas passed Ordinance No. 72, "An Ordinance Reorganizing and Renaming the City of Howardwick Volunteer Fire Department." Through Ordinance 72 the City "established in this City a Volunteer Fire Department, consisting of a Chief, an Assistant Chief, and a number of Firemen as may be determined appropriate by the City Council," and set forth rules, regulations, and requirements for the City of Howardwick Volunteer Fire Department.<sup>4</sup> Pursuant to the text of the Ordinance, it was

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<sup>2</sup> This particular nonprofit entity was formed on March 26, 2018 when a Certificate of Formation was filed with the Secretary of State. The incorporator was William R. Jordan. Additional Articles of Incorporation for the same entity were signed by four incorporators, Brice C. Hawley, Will Jordan, Kenny Williamson, and Greg Bowers on May 18, 2018.

<sup>3</sup> Mr. Hawley is a member of the City Council and seconded the motion for the City to pursue this lawsuit. He filed a Resignation of Registered Agent with the Texas Secretary of State on 04/11/2019.

<sup>4</sup> In official minutes and other documents throughout the years, this department of the City has also been referred to as the following: (1) Howardwick Volunteer Fire Department, (2) City of Howardwick Vol. Fire Dept., (3) City of

effective retroactively to July 16, 1996, except for Section 10, which was effective from and after the date of passage.

8. Ordinance No. 72, codified in Chapter 7, Article 2 of the City's Code of Ordinances, has never been repealed and is still in full force and effect.

9. On or about April 24, 2001, the City Council passed Resolution No. 69, "A Resolution by the City Council of the City of Howardwick, Texas, Supporting the Efforts of the Howardwick Volunteer Fire Department to Obtain Funding Through the Federal Emergency Management Agency's (FEMA) Firefighters Assistance Grants and Authoring the Fire Chief to Serve as the Authorized Representative in All Matters Pertaining to the Department's Participation in This Grant Program."

10. Resolution No. 69 reads, in pertinent part, as follows:

WHEREAS, the City of Howardwick is responsible for maintaining the operations of the Howardwick Volunteer Fire Department; and

WHEREAS, certain conditions currently exist which are hampering the effectiveness of the Howardwick Volunteer Fire Department and that are beyond the financial ability of the City to resolve on its own; and ...

WHEREAS, the Howardwick Volunteer Fire Department is eligible to receive and use funds from the FEMA's Firefighters Assistance Grants to help in addressing these conditions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOWARDWICK, TEXAS:

1. That an application for funding is hereby authorized to be filed by the Howardwick Volunteer Fire Department under the FEMA's Firefighters Assistance Grant Program on behalf of the City.

2. That the funding, if awarded, will be used to assist the City in purchasing a used but highly serviceable pumper truck and new radios for use by the Howardwick Volunteer Fire Department.

3. That the City hereby designates Joe Zeyen, Howardwick Fire Chief, to act as the Authorized Representative for the purpose of this grant program and authorizes him to act in all matters pertaining to this application.

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Howardwick VFD, (4) City of Howardwick Volunteer Fire Dept., and (5) Howardwick VFD. The City has never dissolved the City of Howardwick Volunteer Fire Department.

4. That the City will assist in securing the additional funding needed to complete the proposed project if FEMA awards the funds requested by the Howardwick Volunteer Fire Department for the purpose of purchasing a used but highly serviceable pumper truck and new radios.

11. According to a Press Release from FEMA, the City was awarded \$24,750 for vehicles from this grant. This grant application was discussed at the July 31, 2001 City Council meeting. The minutes from said meeting state: "At this time, Fire Chief; Joe Zeyen gave a report to the Council on the confirmation of the first part of the grant the fire department had applied for. This is for a Pumper for structure fires. Joe gave copies with pictures of the truck he would like to purchase, and then showed pictures of 2 other trucks. After some discussion, Nancy Davis made a motion for the fire department to purchase the reconditioned 1977 Ford F700 American Front-Mount Pumper, with a second by Mike Rowland. Motion carried with a four to nothing vote. Pictures of the truck are posted on the front window of Howardwick City Hall." The price for this 1977 Ford F700 American Front-Mount Pumper was \$19,750.

12. On or about September 25, 2001, the City Council passed Resolution No. 72, "A Resolution by the City Council of the City of Howardwick, Texas, Supporting the Efforts of the City of Howardwick Volunteer Fire Department, Authorizing the Submission of a Project Proposal to the Panhandle Regional Planning Commission Under the Regional Fire & EMS Program and Designating the Fire Chief to Serve as the Authorized Representative in All Matters Pertaining to the City of Howardwick Volunteer Fire Department's Participation in This Program."

13. Resolution No. 72 reads, in pertinent part, as follows:

WHEREAS, the City of Howardwick Volunteer Fire Department is responsible for the delivery of certain services related to the Panhandle Region's Emergency Services Network (Fire and/or EMS); and  
WHEREAS, the delivery of effective emergency services is vital to the health and safety of residents of Howardwick; and WHEREAS, this project described in the authorized proposal has been designed to improve the ability of the City of Howardwick Volunteer Fire Department to deliver these necessary services; and

WHEREAS, the City of Howardwick Volunteer Fire Department is eligible to receive and use funds from the Regional Fire & EMS Program to help in improving the delivery of emergency services in the Panhandle Region.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOWARDWICK, TEXAS:

1. That an application for funding is hereby authorized to be filed by the City of Howardwick Volunteer Fire Department under the Regional Fire & EMS Program.
2. That the funding, if awarded, will be used to assist the City of Howardwick Volunteer Fire Department, in purchasing a used but highly serviceable pumper truck.
3. That the City hereby designates Joe Zeyen, Howardwick Fire Chief, to act as the Authorized Representative for the purpose of this program and authorizes him to act in all matters pertaining to this application.
4. That the City of Howardwick Volunteer Fire Department will secure the additional funding needed to complete the proposed project if the proposal is approved for funding.

14. This Resolution was signed by the Mayor and also by Joseph R. Zeyen, Fire Chief, City of Howardwick VFD.

15. By letter dated January 1, 2002, the City of Howardwick Volunteer Fire Department was notified that "your application for Regional Fire & EMS Assistance Program funds has been accepted and approved by the Panhandle Regional Planning Commission Board of Directors and the Amarillo Area Foundation Board of Directors. A representative of the Amarillo Area Foundation will be contacting you within the next few weeks regarding the disbursement of these funds to your organization."

16. On or about November 14, 2006, the City Council of the City of Howardwick, Texas passed Resolution No. 107, "Amend Budget," which states as follows:

In the November 14, 2006 council meeting Bobby Murdock made a motion to amend the budget as presented, with a second by H.L. "Buster" Baird. Motion carried with none opposed. In Revenues make a Cash Budget Amendment of \$137,433.00. This will make a total budget for Revenues \$231,883.00. In Expenditures add \$560.00 into Insurance making budget total \$6,060.00, add \$5,000.00 into Equipment, making budget total \$5,700.00 and make a new line item

Fire Truck Purchase and add \$131,873.00 into budget This will make a total budget for Expenditures \$231,883.00.”

The funds in the “new line item Fire Truck Purchase” were used by the City to purchase a 2007 Ford FT W75 – VIN 3FRXW75X27V507434 (hereinafter “Vehicle 427”). The Texas Certificate of Title for Vehicle 427 was issued to City of Howardwick VFD on January 30, 2007.

17. On or about July 15, 2008, a Texas Certificate of Title to a 1992 Chevrolet LL – VIN 1GNFK16K1NJ336106 (hereinafter “Vehicle 420”), was issued to City of Howardwick Volunteer Fire Dept. According to the Minutes for July 8, 2008 Council Meeting, “Keith & Magen Mason donated a red Suburban (Vehicle 420) to the fire department and they (the fire department) would like to donate the white Suburban to the Estelline fire department. Pat Butler made a motion to accept the donation of the Suburban from Keith & Magen Mason and to donate the white Suburban to Estelline fire department, seconded by Rod Donaldson. Motion carried with none opposed.”

18. On or about June 24, 2013, a Cooperative Agreement - Department of Defense - Firefighting Property Program – was entered by and between Texas A&M Forest Service (“Service”) and City of Howardwick VFD (“Cooperator”). This Agreement states that the “Service will provide to the Cooperator certain Department of Defense (DOD) equipment and vehicles as authorized by 10 U.S.C. 2576b, and named the DOD Firefighting Property Program (FFP).” This Cooperative Agreement was signed on behalf of the City of Howardwick VFD by Joe D Hall Sr., whose title was Chief. On or about September 24, 2014, a Texas Certificate of Title to a 1985 AM G FT – VIN NL0JYVC52800439 (hereinafter “Vehicle 428”), was issued to City of Howardwick VFD pursuant to this Cooperative Agreement.

19. The minutes for the City Council meeting on February 9, 2016, state “Fire Chief Will Jordan gave an update on the Fire Department. Truck 423 (semi-truck) is in the City’s name

and the fire department is wanting to sell it to get some money back into the account. Sam Grider made a motion to let the department sell the truck and keep the money, Mac Miller seconded. The motion carried with none opposed.” This transaction demonstrates that the Defendant’s officers and agents knew and understood that City approval is required to transfer title to a vehicle titled in the name of the City or its volunteer fire department.

20. On or about April 25, 2017, a Texas Certificate of Title to a 1983 Ford FT – VIN 1FDXF82KXDVA42304 (hereinafter “Vehicle 425”), was issued to Howardwick VFD. The Minutes for April 11, 2017 Council Meeting include the Howardwick Fire Department – Financial Statement (March 2017), which includes a debit in the amount of \$6,000.00 to “Armstrong County – Truck 425 (Mini Pumper).” The entity name on the bank account on which this check was drawn was City of Howardwick Volunteer Fire Dept.

21. The City has provided liability insurance on these vehicles since each was first acquired.

22. On March 26, 2018, a Certificate of Formation for Howardwick Volunteer Fire Department was filed with the Secretary of State. The stated purposes is “Volunteer firefighting services and related activities. Volunteer fire prevention services and related activities. Volunteer weather and storm related emergency activities. Volunteer traffic control activities as may be directed by the Donley County Sheriff.” The organizer of this entity is William R. Jordan and its initial registered agent is Brice C. Hawley. A search of the Secretary of State’s records reveals no prior entity by this or a similar name existed when the various vehicles at issue in this case were donated to or purchased by Plaintiff.

23. On or about February 1, 2019, the titles to Vehicle 427, Vehicle 420, and Vehicle 428 were changed/transferred and new Texas Certificates of Title to these vehicles were issued to

“Howardwick Vol. Fire Dept.” This action was not authorized by the City, and the person purporting to sign the transfer documents was not authorized to do so on behalf of the City. Upon information and belief, a former city secretary signed the prior Certificates of Title.

24. After discovering this change, Plaintiff investigated the status of its other fire vehicles and discovered that an ambulance bearing VIN 1FDKE30F7VHB65824 (the “Ambulance”) that was donated by Hall County to the City of Howardwick Volunteer Fire Department in 2011 was also transferred into “Howardwick Vol. Fire Dept.” by the same people on February 1, 2019. The Ambulance was originally donated to the City. The Minutes for June 9, 2015 City Council Meeting state: “They will try and get the ambulance (donated by Hall County Sheriff Office) ready by the Fourth of July.” The Ambulance was previously titled in the name of Hall County on a Certificate of Title issued on September 13, 2011.

25. On or about April 9, 2019, the City Secretary visited with the City’s liability insurance carrier who informed the City Secretary that the insurance company cannot insure any vehicle titled in a name other than the City’s. He stated that due to the Certificates of Title being changed, none of the vehicles (Vehicle 427, Vehicle 420, Vehicle 428, Vehicle 425, and the Ambulance) should be put in service because they will not have current insurance coverage.

#### **F. Declaratory Relief Requested**

26. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the foregoing paragraphs as if fully set forth herein.

27. There is a genuine controversy between the parties herein that would be terminated by the granting of a declaratory judgment. Plaintiff therefore requests a declaratory judgment, pursuant to Section 37.004 of the Texas Civil Practice and Remedies Code be entered as follows:



- a. That Ordinance No. 72, codified in Chapter 7, Article 2 of the City's Code of Ordinances, has never been repealed and is still in full force and effect.
- b. That the City of Howardwick has operated an unincorporated firefighting association named City of Howardwick Volunteer Fire Department since passage of Ordinance No. 72.
- c. That in 2001 the City Council authorized the City Howardwick Volunteer Fire Department to submit a grant application under the FEMA's Firefighters Assistance Grant Program on behalf of the City and that the 1977 Ford F700 American Front-Mount Pumper was purchased with these funds.
- d. That the 2001 grant application submitted to the Regional Fire & EMS Program was submitted on behalf of the City.
- e. That Plaintiff purchased Vehicle 427 with budgeted, public funds, and is and has been its legal owner since before the not for profit entity known as Howardwick Volunteer Fire Department was formed.
- f. That Plaintiff is and has been the legal owner of Vehicle 420 by donation from Keith and Magen Mason since before the not for profit entity known as Howardwick Volunteer Fire Department was formed.
- g. That Plaintiff is and has been the legal owner of Vehicle 428 pursuant to the terms of the Cooperative Agreement since before the not for profit entity known as Howardwick Volunteer Fire Department was formed.
- h. That Plaintiff purchased with budgeted, public funds, and is and has been the legal owner of Vehicle 425 since before the not for profit entity known as Howardwick Volunteer Fire Department was formed.

- i. That Plaintiff is and has been the legal owner of the Ambulance by donation from Hall County since before the not for profit entity known as Howardwick Volunteer Fire Department was formed.
- j. That the Certificates of Title for Vehicle 427, Vehicle 420, Vehicle 428, and the Ambulance issued on February 1, 2019 to Howardwick Vol. Fire Dept. are void.

**G. Application for Temporary Restraining Order**

28. Plaintiff's application for temporary restraining order is authorized by Civil Practice and Remedies Code Section 65.011(1).

29. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the foregoing paragraphs as if fully set forth herein.

30. Plaintiff asks the Court to enjoin Defendant from using Vehicle 427, Vehicle 420, Vehicle 428, Vehicle 425, and the Ambulance because Plaintiff is their legal owner. Plaintiff further requests Defendant be enjoined from such action because Defendant does not carry liability insurance on these vehicles. Because Plaintiff is a municipality it cannot provide insurance on vehicles titled in another entity's name. Defendant wrongfully asserts ownership of the vehicles but does not carry liability insurance on the vehicles.

31. It is probable that Plaintiff will recover from Defendant after a trial on the merits because Plaintiff can prove that Plaintiff is the legal owner of Vehicle 427, Vehicle 420, Vehicle 428, Vehicle 425, and the Ambulance. Further, Plaintiff has or will suffer damages if this Temporary Restraining Order is not granted in the risk of uninsured loss and the potential liability associated with their unauthorized use.

32. If Plaintiff's application is not granted, harm is imminent because Defendant would be using uninsured vehicles in its performance of a governmental function, opening the door to potential liability against Plaintiff. Such harm is irreparable.

33. Because Plaintiff is a city, it is not required to post a bond to obtain a temporary restraining order or temporary injunction. Tex. Civ. Prac. & Rem. Code § 6.002.

34. There is not enough time to serve notice on Defendant and to hold a hearing on this application due to the risk of imminent harm to Vehicle 427, Vehicle 420, Vehicle 428, and the Ambulance and the potential loss and harm caused by Defendant's ability to continue use of Plaintiff's property.

#### **H. Request for Temporary Injunction**

35. Plaintiff asks the court to set this application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Defendant enjoining Defendant from any use of Vehicle 427, Vehicle 420, Vehicle 428, Vehicle 425, and the Ambulance.

36. Plaintiff has joined all indispensable parties under Tex. Rule of Civil Procedure 39.

#### **I. Request for Permanent Injunction**

37. Plaintiff asks the court to set its request for permanent injunction for a full trial on the merits and, after the trial, issue a permanent injunction against the Defendant.

#### **J. Conversion**

38. Plaintiff incorporates the factual allegations made in the foregoing paragraphs.

39. By and through the actions of its officers and agents, Defendant has wrongfully exercised dominion and control over Plaintiff's personal property in a manner inconsistent with Plaintiff's exclusive right to said property.

40. As a direct and proximate result of Defendant's conversion, Plaintiff has been damaged in an amount that exceeds the minimum jurisdictional limits of the court. Plaintiff further seeks from Defendant an award of its attorney's fees, interest, and court costs.

41. In addition, Defendant's conversion was willful and malicious, and in conscious disregard of the rights of Plaintiff. Consequently, Plaintiff is entitled to an award of punitive damages sufficient to punish Defendant and serve as a deterrent to such conduct.

#### **K. Unjust Enrichment**

42. Alternatively, Plaintiff brings this action to recover the unjust enrichment of Defendant because of the benefit retained by said Defendants. The factual allegations recited in the foregoing paragraphs are incorporated herein. Without any right, Defendant has been unjustly enriched because it wrongfully exercised dominion and control over Plaintiff's personal property in a manner inconsistent with Plaintiff's exclusive right to said property. Plaintiff was damaged in an amount in excess of the jurisdictional limits of this Court, for which Plaintiff seeks judgment of the Court.

#### **L. Attorney's fees**

43. As a result of the filing of this Motion for Declaratory Judgment, the Plaintiff has necessarily incurred attorney's fees. Under Texas Civil Practice and Remedies Code Section 37.009, the Court may award costs and reasonable and necessary attorney's fees as are equitable and just. Plaintiff requests that the Court award its reasonable and necessary attorney's fees associated with this Declaratory Judgment action.

### **M. Request for Disclosure**

44. Pursuant to Rule 194, Defendant is requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and on final trial hereof, Plaintiff be awarded:

- a. The declarations requested herein;
- a. Reasonable and necessary, equitable and just attorneys' fees;
- b. Taxable costs of court; and
- c. Such other and further relief as the Court deems just and equitable.

Respectfully submitted,

UNDERWOOD LAW FIRM, P. C.

Slater C. Elza

State Bar No. 24000747

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120 W Kingsmill, Suite 505

Pampa, Texas 79065

(806) 669-6851

FAX (806) 669-0440

By: /s/ Bryan J. Guymon

Bryan J. Guymon

**ATTORNEYS FOR PLAINTIFF**

DCU-19-07510

FILED  
This 17<sup>th</sup> day of April, A.D. 2019  
At 10:30 o'clock AM

**VERIFICATION**

*Jay Carper*  
County & District Clerk, Donley County, Texas

Before me, the undersigned notary, on this day personally appeared Sandra Lynn Childress,  
the affiant, whose identity is known to me. After I administered an oath, affiant testified as  
follows:

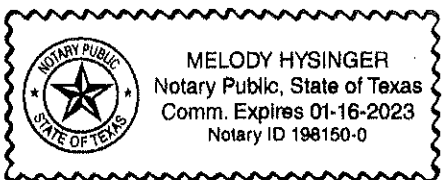
1. "My name is Sandra Lynn Childress. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this Verification are within my personal knowledge and are true and correct.
2. I am City Secretary for the City of Howardwick, Texas.
3. I have read the foregoing document. The factual statements within said document are within my personal knowledge, and/or are established by the business records of the City of Howardwick and are true and correct.

*Sandra Lynn Childress*

Sandra Lynn Childress  
City Secretary  
City of Howardwick, Texas

Sworn to and subscribed before me by Sandra Lynn Childress on April 17, 2019.

*Melody Hysinger*



This 18<sup>th</sup> day of April A.D. 2019  
 At 11:15 clock A M  
*Jay Carver*  
 County & District Clerk, Donley County, Texas  
 By [Signature]

NO. DCV-19-07510

CITY OF HOWARDWICK, TEXAS  Plaintiff,  v.  HOWARDWICK VOLUNTEER FIRE DEPARTMENT,  Defendant.	§ § § § § § § § § §	IN THE DISTRICT COURT    100 <sup>TH</sup> JUDICIAL DISTRICT    DONLEY COUNTY, TEXAS
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**AGREED TEMPORARY INJUNCTION**

Before the Court is Plaintiff City of Howardwick, Texas's application for a Temporary Injunction against Defendant Howardwick Volunteer Fire Department as set forth in Plaintiff's verified Original Petition, Application for Temporary Restraining Order, Temporary Injunction and Permanent Injunction, and Request for Disclosure.

The Court, having read and considered the verified pleadings referenced above, and being advised that the parties agreed to the entry of this Temporary Injunction until the entry of a final judgment in this lawsuit, is of the opinion that the request for a temporary injunction should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the City of Howardwick's Application for a Temporary Injunction is hereby GRANTED.

IT IS FURTHER ORDERED that the Howardwick Volunteer Fire Department and its agents, servants, and employees, and all persons in active concert or participation with them who receive actual notice of this Agreed Temporary Injunction by personal service or otherwise, are hereby enjoined from using the following vehicles in any manner without proof of currently valid insurance providing at minimum the same coverage as the most recent insurance policy purchased by the City of Howardwick, Texas:

- a. The 2007 Ford FT W75, VIN 3FRXW75X27V507434 (hereinafter "Vehicle 427");
- b. The 1992 Chevrolet LL, VIN 1GNFK16K1NJ336106 (hereinafter "Vehicle 420");
- c. The 1985 AM G FT, VIN NL0JYVC52800439 (hereinafter "Vehicle 428");
- d. The 1983 Ford FT, VIN 1FDXF82KXDVA42304 (hereinafter "Vehicle 425"); and
- e. The ambulance bearing VIN 1FDKE30F7VHB65824 (the "Ambulance").

IT IS FURTHER ORDERED that no bond shall be required of the City of Howardwick in connection with the Agreed Temporary Injunction.

IT IS FURTHER ORDERED that the Howardwick Volunteer Fire Department waives issuance and service of the writ of injunction, by stipulation and agreement as evidenced by their Fire Chief's signature below.

IT IS FURTHER ORDERED that the Clerk of this Court shall serve this Agreed Temporary Injunction on the attorneys and/or representatives for the parties, which shall constitute proper service of this Agreed Temporary Injunction on the parties.

SIGNED on this 18 day of April 2019 at 10:46 o'clock A.m.

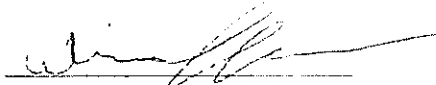


JUDGE PRESIDING

**AGREED:**



Bryan Guymon, Attorney for Plaintiff  
City of Howardwick, Texas



Will Jordan, Fire Chief  
Howardwick Volunteer Fire Department