

CITY OF BEE CAVE	§	IN THE MUNICIPAL COURT
V.	§	OF RECORD NO .ONE
	§	CITY OF BEECAVE
AUSPRO ENTERPRISES, L.P.	§	
d/b/a PLANET K TEXAS	§	TRAVIS COUNTY, TEXAS

ORDER OF THE COURT

On this 9th day of April, 2012, the Court has exercised its inherent authority and the authority granted by Government Code, Section 21.001 for the exercise of its jurisdiction and the enforcement of its lawful orders.

On this day came on to be considered, the City of Bee Cave's Motion for Contempt for Violation the Temporary Injunction and the Court's December 28, 2011 Order against Defendant AUSPRO ENTERPRISES, L.P. and its Registered Agent, Michael Kleinman.

The Parties appeared previously by and through their attorneys of record to address the City of Bee Cave's Motion for Contempt for Violation of Temporary Injunction. The parties waived a hearing and agreed to submit the matter to the Court via Briefs. The Court received , reviewed and considered the evidence presented and the arguments of the Parties.

The Court Finds that Defendant AUSPRO ENTERPRISES, L.P. and its Registered Agent, Michael Kleinman did not show good cause why it should not be held in contempt.

The Court finds that Defendant AUSPRO ENTERPRISES, L.P. and its Registered Agent, Michael Kleinman violated an Order of the Court to wit: "Specifically the Court enjoins Defendants *AUSPRO ENTERPRISES, L.P. and its Agent and representatives* (emphasis added) from performance of any site development work on the property or building construction work on the building on the property described as 12701 highway 71 West in Bee Cave, Texas, except that AUSPRO ENTERPRISES, L.P. shall be allowed to repair and resurface without further permission the existing impervious cover asphalt parking areas identified in **Exhibit A** attached hereto."

The Court finds that the **Exhibit A** referenced in the Court's Order of December 28, 2011, is a document produced by Defendants AUSPRO ENTERPRISES, L.P., at the request of the Court, to delineate precisely, the area that could be asphalted according to the Court's Order.

The Court finds that Defendants AUSPRO ENTERPRISES, L.P., even though aware of the limitations on paving allowed by the Court, elected to asphalt the entire westernmost length of the property, which exceeded the terms of the Court's December 28, 2011 Order, as delineated in **Exhibit A** attached to the Court's Order.

The Court finds that Defendants AUSPRO ENTERPRISES, L.P. does not deny that it has exceeded the boundaries established in the Court's December 28, 2011 order, but rather attempts to minimize the nature of the alleged non-compliance with the Court's order.

The Court finds that a finding of contempt is necessary to compel obedience of Court Orders.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants AUSPRO ENTERPRISES, L.P. and Michael Kleinman, its registered agent, are in contempt of court for Violation of Temporary Injunction and the Court's Order of December 28, 2011.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants AUSPRO ENTERPRISES, L.P. and Michael Kleinman, its registered agent, are ordered to remove the excess asphalt which was laid down in violation of the Court's December 28, 2011 Order. Said removal of excess asphalt shall take place within 30 days from the date of receipt of this order. The removal of the excess asphalt shall be in coordination with and under supervision of the City of Bee Cave's Community Services Department.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant AUSPRO ENTERPRISES, L.P. pay the City of Bee Cave, Texas, the amount of \$8,824.00 in attorney's fees incurred for the filing and prosecution of Plaintiff's Motion for Contempt for Violation of Temporary Injunction against defendant.

Any relief not specifically granted herein is denied.

ISSUED under my hand this 9th day of April, 2012



David L. Garza
Judge Presiding
Municipal Court
City of Bee Cave
Travis County, Texas