IN THE GENERAL SESSIONS COURT OF SHELBY COUNTY, TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION XIV

STATE OF TENNESSEE ex rel.
AMY WEIRICH
District Attorney General
Petitioner;

vs.

NO. _____
Set for Hearing: 5/20/2013 at 10:30am
Environmental Court/ Div 14
Session IV Docket

3498 Dillard Road
Memphis, Shelby County, Tennessee 38128

Larry Brunson
Memphis, Shelby County, Tennessee 38128

Respondents.

VERIFIED PETITION FOR ABATEMENT OF NUISANCE

COMES NOW the State of Tennessee, ex. rel. Amy Weirich, District Attorney for the Thirtieth Judicial District of Tennessee at Memphis and for its cause of action would state the following:

1. This cause of action is commenced pursuant to Tenn. Code Ann. § 29-3-101, *et seq.*, which provides, in part, for the abatement of any nuisance. Nuisances also exist at common law and include properties that create public safety and environmental threats.

2. This Court has jurisdiction over the matter as provided in Tenn. Code Ann. § 29-3-102, which extends jurisdiction to "chancery, circuit, or criminal courts and any court designated as an environmental court pursuant to Chapter 426 of the Public Acts of 1991."

3. Shelby County, Tennessee is the proper venue for this action. The relevant statute provides that the District Attorney General and/or the City Attorney for the City in which the property lies "shall bring the action in the county where the public nuisance is kept, maintained, carried on or exists." Tenn. Code Ann. § 29-3-103

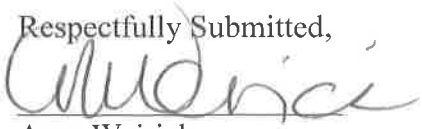
4. The nuisance is a parcel of real property with its appurtenances and attachments, municipally known as 3498 Dillard Road, Memphis, Shelby County, Tennessee. The public nuisance is a parcel of real property that is located at 3498 Dillard Road, Memphis, Shelby County, Tennessee. The property is owned by Larry Brunson.

5. This Petition follows an investigation by the Tennessee Department of Environment and Conservation and the Memphis Police Department that focused on illegal dumping activities in the city. TDEC investigators have visited the location on numerous occasions and have compiled evidence that the location operates as an illegal dumpsite that is adversely affecting neighboring properties.

6. The property is littered with an enormous amount of debris and trash that is unregulated and creates clear environmental dangers. This litter and debris is the result of the owner operating an illegal dumpsite at the location. This is done without regard for any rules, laws or codes governing the disposal of waste and in a way that adversely affects neighboring properties with the debris and trash spilling onto neighboring properties. See Exhibit 1 (Photo of Property).

Wherefore, the State of Tennessee, prays that the Court would grant a temporary writ of injunction; that notice be given to all parties to appear and show cause why the State's further application for a permanent injunction should not be granted; and, upon hearing the proof in this cause, that a judgment be entered declaring the location, a public nuisance pursuant to the laws of this State.

Respectfully Submitted,



Amy Weirich

Verification

I have read the foregoing and participated in the investigation referenced above. To the best of my information, knowledge and belief, I do attest, upon penalty of perjury, that the foregoing is true and accurate.

Signature: _____ Date: 5/14/13

Notary: Mitty M. Williams Date: 5/14/13

My Commission Expires: May 1, 2016

My Commission Expires: _____

MITTY M. WILLIAMS
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

05.09.2013 12:06

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IN THE GENERAL SESSIONS COURT OF SHELBY COUNTY, TENNESSEE
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Respondents.

Temporary Injunction/Restraining Order

The District Attorney for the Thirtieth Judicial District at Memphis has filed a Verified Petition alleging that a nuisance exists at 3498 Dillard Road, Memphis, Shelby County, Tennessee (hereinafter, "the property"). It appears to the satisfaction of the Court by evidence in the form of the Verified Petition that:

(1) There is sufficient evidence to believe the averments of the Petition are true;
(2) The aforementioned property constitutes a public nuisance pursuant to Tenn. Code Ann. 29-3-103; and
(3) Probable cause exists to believe that evidence of criminal activity will be found on the said premises.

For these reasons, a Temporary Injunction/Restraining Order shall be granted.

It is therefore ORDERED, ADJUDGED AND DECREED that any peace officer in this County may make entry onto the property and serve a copy of this Temporary Injunction/Restraining Order on the owner.

Pursuant to this temporary injunction/restraining order no individuals may make entry onto the property for the purpose of disposing of any trash or debris. The owner may continue to live on the property until further order of the Court but may have no guests or traffic onto the property. The property is closed but for the purpose of residence and activities consistent with residence.

It is further Ordered that signs are to be posted at the property stating that the property is closed by order of the Court. Such signs shall remain until further order of this Court. Officers shall prevent and restrain any individual from entering the said premises and/or removing any item from the property except for personal items belonging to legitimate guests that have no evidentiary value.

Any peace officer shall further secure the property for compliance with these orders including, if deemed necessary, the erection of temporary barriers and/or the use of locks or whatever other means are deemed necessary to close the property in accordance with this Order.

This Order shall be posted at the entrances and any person violating the provisions of this Order shall be subject to punishment for Contempt of this Court to include imprisonment in the county jail or workhouse for a period of not more that thirty days and a fine not to exceed $50 pursuant to the provisions of Tenn. Code Ann. 29-3-11 for each violation.

The Respondent, and its owners, are hereby ORDERED to appear before this Court on the 20th day of May 2013, at 10:30am to show cause why a permanent injunction should not issue.

This injunction shall remain in effect pending further orders of this Court.

Entered this the 14 day of May, 2013 at 12:42 pm.

Judge Larry Potter
General Sessions Environmental Court
Division XIV

STATE OF TENNESSEE
GENERAL SESSIONS COURT OF SHELBY COUNTY

CIVIL SUMMONS

NO. _____

STATE OF TENNESSEE VS.

Larry Brunson
3498 Dillard Road
Memphis, TN 38128

DEFENDANT

ADDRESS

TO THE ABOVE NAMED DEFENDANT:

Information on oath having been made before the General Sessions Division 14 Court of Shelby County, that the offense(s) of ***Public Nuisance***

Having been committed, and accusing Larry Brunson thereof,

YOU ARE HEREBY SUMMONED TO APPEAR IN Divison 14 of General Sessions Court of Shelby County, Tennessee, located at 201 Poplar, 2nd floor, Memphis, TN, 38103, on the 20th day of May, 2013 to answer said charge(s).

FAILURE TO APPEAR AS ORDERED SHALL CONSTITUTE CONTEMPT OF COURT.
Issued this _____ ***DAY OF*** _____, *2012.*

EDWARD STANTON, Jr. Clerk of
General Sessions Criminal Court

NO. _____

STATE OF TENNESSEE
SHELBY COUNTY
GENERAL SESSIONS DIVISION 14

CIVIL SUMMONS

STATE OF TENNESSEE
- VS -

Name Larry Brunson
Address 3498 Dillard Road
City, State, Zip Code Memphis, TN 38128
Issued _____ **day of** _____, **2013**
Received _____ day of _____ 2013
Executed _____ day of _____ 2013
By serving this Summons upon:

_____

to appear before the General Sessions Div. 14, 201 Poplar, Memphis, Shelby County, 38103 as stated herein.

BILL OLDHAM
Sheriff
By _____

STATE OF TENNESSEE
GENERAL SESSIONS COURT OF SHELBY COUNTY

CIVIL SUMMONS

NO. _____

3498 Dillard Rd
Memphis, TN 38128

STATE OF TENNESSEE VS.

DEFENDANT

ADDRESS

TO THE ABOVE NAMED DEFENDANT:

Information on oath having been made before the General Sessions Division 14 Court of Shelby County, that the offense(s) of ***Public Nuisance***

Having been committed, and accusing 3498 Dillard Road thereof,

YOU ARE HEREBY SUMMONED TO APPEAR IN Divison 14 of General Sessions Court of Shelby County, Tennessee, located at 201 Poplar, 2nd floor, Memphis, TN, 38103, **on the** 20th **day of** May **, 2013** to answer said charge(s).

FAILURE TO APPEAR AS ORDERED SHALL CONSTITUTE CONTEMPT OF COURT.
Issued this _____ ***DAY OF*** _____ *, 2013.*

EDWARD STANTON, Jr. Clerk of
General Sessions Criminal Court

NO. _____

STATE OF TENNESSEE
SHELBY COUNTY
GENERAL SESSIONS DIVISION 14

CIVIL SUMMONS

STATE OF TENNESSEE
- VS -

Name
Address 3498 Dillard Road
City, State, Zip Code Memphis, TN 38128
Issued _____ **day of** _____, **2013**
Received _____ day of _____ 2013
Executed _____ day of _____ 2013
By serving this Summons upon:

_____

to appear before the General Sessions Div. 14, 201 Poplar, Memphis, Shelby County, 38103 as stated herein.

BILL OLDHAM
Sheriff
By _____