

kindergarten through fifth grade students, and a single-family residential neighborhood on the other.

2. Sanitary sewer service to the Compound is currently provided through an undersized on-site sewage facility that was illegal altered and modified by the Defendants (the “Illegal Septic System”). The Illegal Septic System was designed and constructed to service no more than five (5) mobile homes of not more than 896 square feet each. The Illegal Septic System utilizes an aerobic treatment system which uses above ground heads to spray treated wastewater over the surface of the ground on the Compound. The Illegal Septic System was designed to use nine (9) spray heads to disperse the treated sewage wastewater. Since the time of annexation, however, the number of mobile homes has increased well above the original design capacity. Additionally, Defendants have added approximately seventy-five (75) recreational vehicles (“RV’s”) to the Compound. Many of these RV’s are occupied by residents. Over the years, the Town has received multiple complaints from neighboring property owners, and a teacher at Founders Academy, regarding sewage and wastewater running over the surface of the Compound along with an associated strong and offensive smell associated with such sewer discharge. More recently the Town has received complaints alleging that the Defendants are operating as “slumlords”. As acknowledged in Defendants’ discovery responses, and as shown in the reports from the inspection of the Compound, which include a statement from Defendant Furtick that he illegally altered the Illegal Septic System without applying for or obtaining any permit do so, the number of sewage hookups has increased on the Compound, the number of heads for the OSSF

has decreased through illegal and unpermitted alterations undertaken by Defendant Furtick, and the layout of the Illegal Septic System has also been modified.

3. There have been no permits applied for or obtained to provide basic utility service to the RV trailers on the Compound, including no permits for water, sewer, or electrical service connections. This failure threatens the health, safety, and welfare of residents and occupants on the Compound.

4. The increase in the number of trailer homes, RV's and vehicles upon the Compound itself constitutes development under Town Code. As a result of said development the Compound is no longer protected as a legal-nonconforming use. Article XXIII, Section 1(2) of Town's Zoning Ordinance specifically states that legal non-conforming uses may not be expanded or enlarged. As such the Compound constitutes an illegal and unpermitted land use under the Town's Zoning Ordinance. The Compound is situated in the Town's C-1 Commercial District and neither mobile home parks nor RV parks are allowed in said Zoning District.

5. Additionally, the increase in sewage hookups and the alteration of the layout of the Illegal Septic System invalidates any prior permit for said system. Finally, the Illegal Septic System was not meant to service the number of sewage hookups currently at the Compound which has resulted in numerous discharges of wastewater and sewage upon the surface, creating a health and safety hazard and nuisance for both residents and guests of the Compound in addition to neighboring properties, including the elementary school and single-family neighborhood. This is in addition to the other violations at the Compound which include, but are not limited to, outside storage, trash and debris.

6. Human waste is generated daily by residents living on the Compound in deteriorating, illegal, uninspected, and unpermitted units, yet the Compound has never been authorized, designed, or permitted to support that level of residential occupancy. Despite repeated notice, the Defendants have not completed the steps to correct these conditions. Instead, the Defendants have continued to collect rent while shifting the risks of sewage failure, environmental contamination, and disease transmission onto tenants, neighboring properties, and the Town itself. The Compound represents the sustained operation of an unsafe, unregulated residential compound that places vulnerable occupants and the public at risk every day it remains in operation.

7. For more than two decades, Defendants have repeatedly expanded and intensified residential use of the Compound without obtaining required permits, approvals, or infrastructure upgrades, despite the Compound's location within the Town's Limits and Defendants' longstanding knowledge of the Town's regulatory authority. Rather than bringing the Compound into compliance as use intensified, Defendants have continued to add mobile homes, RVs, and sewer connections while relying on the OSSF that was never designed to serve the current level of occupancy.

A. Defendants Own, Control, and Operate the Compound

8. Furtick and EELP own, control, and manage the Compound, which lies within the Town Limits of the Town. Furtick has owned the Compound since at least the early 1990s personally and through various entities (Yasi Land Co., Yasi Land Company LLC, and Ecclesiastical Equity LP). Furtick has continuously owned or controlled the Compound since that time. The Compound was annexed into the Town in 1999 by Ordinance 99-11-466.

B. Recent Developments

9. In 2023, the Town learned that Defendants performed additional illegal and unpermitted construction on the Illegal Septic System at some unknown point.

10. Unauthorized modification and expansion of the Illegal Septic System materially increase the risk of system failure, surface discharge, and exposure of untreated or inadequately treated sewage to residents and neighboring properties. The Town's inspections of the Compound reveal that the Illegal Septic System is operating beyond its permitted design capacity, creating conditions under which sewage may be exposed to the atmosphere, migrate through saturated soils, or otherwise fail to protect public health as required by state and local law.

11. After discovering the unpermitted alteration and construction on the Illegal Septic System in 2023, the Town attempted to obtain voluntary compliance from Defendants, including requests for permitting, documentation, and corrective action. Defendants failed or refused to provide permits, engineering plans, or proof that the expanded system complied with state or local requirements. Only after these efforts proved unsuccessful did the Town initiate formal enforcement through citations beginning in March of 2024.

C. Latest Conditions of the Compound

12. The Town has no record of any permit for the modification and expansion for the additional residential units currently served by the Illegal Septic System .

13. Logically, an increase in the number of mobile homes and RV's well beyond what was originally authorized likewise increases the flow of sewage and requires a larger septic system to properly accommodate the increased load.

14. Based on recent inspections, the Compound currently supports residential occupancy far in excess of the capacity for which its sewage infrastructure was designed. The combination of additional mobile homes and RV's results in dozens of individuals residing on the Compound on a daily basis, all of whom rely on a single, unpermitted, and undersized sewer system for wastewater disposal.

15. The continued operation of an unpermitted and undersized Illegal Septic System serving dozens of residents constitutes an ongoing and escalating threat to public health and safety. Each additional day of noncompliance increases the likelihood of sewage exposure, environmental contamination, and harm to residents of the Compound and surrounding community. Absent immediate court intervention, these conditions will persist unabated.

II. DISCOVERY CONTROL PLAN

16. Discovery should be conducted in accordance with a Level 3 Discovery Control Plan as provided by Rule 190.4 of the Texas Rules of Civil Procedure.

17. Under Rule 47(c) of the Texas Rules of Civil Procedure the Town seeks monetary relief over \$1,000,000.

III. PARTIES

18. The Town is a Type A general law municipality formed under the Constitution and laws of the State of Texas, and whose Town Hall is located at 1075 Ronald Reagan Avenue, Hickory Creek, in Denton County, Texas.

19. Defendant Furtick is an individual who owns, maintains, and controls the Compound located at 1500 Turbeville Road, Hickory Creek, in Denton County, Texas, which is more particularly described as a 22.247-acre tract of land situated in the J.W.

Simmons Survey Abstract Number 1163A in the Town of Hickory Creek, Denton County, Texas, recorded in Volume 3415, Page 539, current DCAD Property ID No. 62326. Defendant Furtick has applied for and obtained a homestead exemption at property he owns at 8921 David Fort Drive, Argyle, Texas 76226.

20. Defendant EELP is a Texas domestic limited partnership that owns the Compound, per the Denton Central Appraisal District records. Land Asset Management, Inc. is the only partner, either general or limited, of EELP, of which Defendant Furtick is the only Director.

21. Defendant 1500 Turbeville Road, Hickory Creek, Texas 75065, *in rem*, is the real property subject to this suit and is located within the Town of Hickory Creek Town Limits.

IV. VENUE AND JURISDICTION

22. The Town brings this cause of action to obtain temporary and permanent injunctive relief and to recover civil penalties against Defendants pursuant to Subchapter B of Chapter 54 of the Texas Local Government Code. This suit is also brought pursuant to Section 211.012 of the Local Government Code, which authorizes suit to enforce violations of the Town's Zoning Ordinance.

23. Venue is proper and this Court has jurisdiction pursuant to Section 54.013 of the Texas Local Government Code. Pursuant to Section 54.014 of the Texas Local Government Code, this case is entitled to a preferential setting.

24. This cause of action is brought *in personam* as well as *in rem* pursuant to Tex. Loc. Gov't Code § 54.018.

V. NOTICE OF USE OF DISCOVERY RESPONSES UNDER RULE 193.7

25. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff hereby gives notice to Defendants that all written discovery responses and documents produced by Defendant to date will be used as evidence in this matter.

**VI. CAUSE OF ACTION BASED ON TEX. LOC. GOV'T CODE CHAPTER 54 AND
CHAPTER 211**

26. This cause of action arises under Subchapter B of Chapter 54 of the Texas Local Government Code along with Section 211.012 of the Local Government Code. The Defendants' willful disregard for the Town's Code of Ordinances has forced the Town to pursue all available remedies. Pursuant to Tex. Loc. Gov't § 54.012, this action is brought for the enforcement of an ordinance:

- a. for the preservation of public safety, relating to the materials or methods used to construct a building or other structure or improvement;
- b. relating to the preservation of public health or to the fire safety of a building or other structure or improvement;
- c. for zoning that provides for the use of land or classifies a parcel of land according to the municipality's district classification scheme;
- d. establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;
- e. relating to dangerously damaged or deteriorated structures or improvements;

- f. relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; and
- g. that provides for penalties for violating Town Code.

27. In particular, Defendants are violating the Town of Hickory Code of Ordinances Sec. 6.02.036, Chapter 6 – Health and Sanitation by creating, maintaining, and/or allowing the following nuisances on the Compound:

- a. Sec. 6.02.033(1), All yards, lots, alleys, stables, pens, cellars, vaults, drains, pools, wells, cisterns, privies, sewers, grounds, premises, or buildings of any character, which are not kept free from stagnant water, or other stagnant liquids, slops, trash, rubbish, or other deposits or substances of any and every character, which are likely to or do become unwholesome, filthy, unhealthy or likely to create or engender disease;
- b. Sec. 6.02.033(2), Sweeping, throwing, or depositing into, or upon or along any drain, gutter, alley, sidewalk, street, public place or thoroughfare, trash, rubbish of any character, slops, dung, feces, urine, filthy or stagnant water or other liquid, dead animals, fowls, birds, or fragments thereof, or any other unwholesome, unhealthy, unsightly or offensive thing or substance;
- c. Sec. 6.02.033(4), Any premises within the Town where garbage or other offensive matter of any character or description is permitted to accumulate and become stagnant, putrid, or offensive to the smell or in a state of fermentation or in a state of decomposition;

- d. Sec. 6.02.033(5), Any premises in the town where trash, scrap, lumber, debris, upholstery material or any other combustible material or any barrels, cans, containers or other container or receptacle, or allowing any other condition on the land which would or could accumulate rain water or other liquids and become stagnant or offensive and a breeding place for mosquitoes, is declared a nuisance.
- e. Sec. 6.02.033(6), Maintaining trash, rubbish and debris on any premises.
- f. Sec. 6.02.033(10), Allowing sewage to be exposed to the atmosphere on any lot or lots, grounds or yards or any other place in the town.
- g. Sec. 6.02.033(12), Dead trees or holes on a lot or premises capable of causing property damage or injury.
- h. Sec. 6.02.033(13), Graffiti on any surface of any structure visible to the public.
- i. Sec. 6.02.033(15), Any act or thing, not enumerated which interferes with any person's right to be free from foul, noxious and unpleasant air, odor, gases and vapors and from the sights of foul, offensive things and substances.

28. Sec. 13.03.074, any permit issued for an OSSF must comply with title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G, and chapter 285, promulgated by the TCEQ for on-site sewage facilities.

29. Additionally, Defendants are in violation of the following sections of the Town of Hickory Code of Ordinances, Chapter 14 – Zoning, Article XIX. - MHP Mobile Home Park District¹:

- a. Section 3 (1), Operating a mobile home park without a permit;
- b. Section 5 (2), Failure to provide proper ground cover;
- c. Section 5 (3), Failure to provide proper drainage;
- d. Section 6 (1) (b), Failure to provide proper streets;
- e. Section 6 (2), Failure to provide proper off street parking;
- f. Section 6 (3), Failure to maintain proper streets;
- g. Section 7 (2), Failure to provide proper off street driveways and parking areas;
- h. Section 9 (2), Failure to properly construct and maintain all water piping, fixtures, and other equipment;
- i. Section 9 (3), Failure to properly place and dedicate easements for water mains;
- j. Section 9 (4), Failure to provide individual water meters;
- k. Section 9 (5), Failure to provide proper water riser pipes;
- l. Section 9 (6), Failure to provide proper water riser service pipe elevation, size, and/or outlet;
- m. Section 9 (7), Failure to provide proper provisions to prevent freezing of service lines, valves, and riser pipes;

¹ As noted above the Compound is zoned C-1. While any grandfathered status of the Compound has been eliminated, operation of a mobile home park is still required to comply with Town Ordinance requirements.

- n. Section 9 (8); Failure to provide a proper shutoff valve below the frost line near each water riser pipe;
- o. Section 10 (1), Failure to provide an adequate sewage disposal system;
- p. Section 10 (2), Failure to properly locate sewer lines according to the Town Code;
- q. Section 10 (3), Failure to provide a proper sewer riser pipe to each mobile home stand;
- r. Section 10 (4), Failure to provide a proper sewer connection from the mobile home to the sewer riser pipe;
- s. Section 10 (5), Failure to provide sewer connections in accordance with the plumbing code;
- t. Section 10 (6), Failure to provide provision for capping sewer riser pipes when stands are unoccupied;
- u. Section 16 (d), Failure to maintain a register of occupancy according to the Town Code;
- v. Section 13 (1), Failure to maintain the grounds, buildings, and structures to be free of insect and rodent harborage and infestation; and
- w. Section 13 (2), Failure to maintain the mobile home park to be free of accumulations of debris which may provide rodent harborage or breeding places of flies, mosquitoes, and other pests.

30. Additionally, Defendants are in violation of the following section of the Town of Hickory Code of Ordinances, Chapter 14 – Zoning, Article IV. – Classification

of Districts: Section 3, Use of property in violation of the applicable zoning district (C-1 Commercial).

VII. COUNT ONE: APPLICATION FOR TEMPORARY INJUNCTION²

31. The Town hereby realleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully stated herein.

32. Pursuant to Sections 54.016, 54.018, and 211.012 of the Texas Local Government Code, the Town requests temporary injunction as follows: Defendants shall immediately commence the lawful procedure to connect the Compound's sewage output to the LCMUA sewer line adjacent to the Compound, including but not limited to completing engineering design, filing and obtaining a construction permit for such connection, and completing such construction. In order to comply with applicable Town Code, Defendants cannot connect illegal uses to the new line.

33. The Town further requests temporary injunction to require the immediate vacation and removal of all illegal trailers on the Compound.

34. The Town further requests temporary injunction to require immediate compliance with the use limitations contained in the Town's Zoning Ordinance.

35. The Town further requests temporary injunction to require the immediate disconnection of any service from the Illegal Septic System.

36. The Town further requests temporary injunction to require that any construction activity on the Compound be done pursuant to a duly issued permit from the Town.

² For consistency, the counts set forth herein reflect those in the Original Petition except for any deleted counts.

37. Such relief is warranted due to the substantial danger of injury and an adverse health impact to the individuals residing on the Compound, adjacent property owners, and the community as a whole. *See* Tex. Loc. Gov't Code § 54.016(a).

38. Upon showing a substantial danger of injury or an adverse health impact to any person or to the property of any person other than the defendant, a municipality may obtain injunctive relief against the property owner or owner's representative with control over the property that: (a) prohibits specific conduct that violates the Town's ordinances; and (b) requires specific conduct that is necessary for compliance with the Town's Ordinances. TEX. LOC. GOV'T CODE § 54.016(a).

39. It is not necessary for the Town to prove that another adequate remedy or penalty for a violation does not exist or to show that prosecution in a criminal action has occurred or has been attempted. *See Id.* § 54.016(b). Pursuant to Texas Civil Practice and Remedies Code Section 6.002(b)), the Town is not required to post a bond.

40. Additionally, Defendants should be ordered to take all corrective action necessary to comply with the Town's ordinances set forth herein during the entire pendency of these proceedings.

41. The Town is entitled to injunctive relief because: (a) Defendants are in violation of Town ordinances and codes to which Texas Local Government Code Sections 54.012 through 54.019 apply; (b) Defendants' violations of the Town's ordinances and codes are continuing; (c) Defendants have received actual notice of the ordinances and codes being violated in notices, citations, and other correspondences; and (d) after Defendants received notice of the ordinances and code violations, Defendants failed and

refused to take action necessary for compliance with the ordinances and code and to correct or otherwise remedy the violations. *See* TEX. LOC. GOV'T CODE § 54.012.

42. Defendants, whether by action or inaction, have caused unsanitary and unhealthful conditions to exist on the Compound that are injurious to the health, safety and welfare of the individuals residing on the Compound, adjoining properties, the citizens of Hickory Creek, and any member of the public who visits Defendants' Compound.

43. The relief requested serves the public interest by protecting public health, preventing environmental harm, and ensuring uniform enforcement of the Town's health and zoning ordinances.

VIII. COUNT TWO: PERMANENT INJUNCTION

44. The Town hereby realleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully stated herein.

45. Pursuant to Sections 54.016, 54.018, and Section 211.0212 of the Texas Local Government Code, the Town requests a permanent injunction enjoining Defendants from using the Compound in violation of the ordinances set forth herein and ordering full compliance with Town Code consistent with the relief requested in Count One above.

IX. COUNT THREE: REQUEST FOR CIVIL PENALTIES

46. The Town hereby realleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully stated herein.

47. In a suit against a landowner, a municipality may recover a civil penalty if it proves that (1) the defendant was actually notified of the provisions of the ordinance;

and (2) after the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance. Loc. Gov't Code § 54.017(a). The Town seeks such civil penalty in an amount not to exceed \$1,000 a day for each day of violation for each and every violation.

48. In this instance, Defendants received notice of violations, at a minimum, on September 20, 2018, when Defendants were notified of the issues with the Illegal Septic System. Moreover, Defendants have received repeated notice of the violations described herein through citations, inspections, written correspondence, and direct communication with Town staff and counsel. Despite this notice, Defendants have continued to operate the Compound in the same unlawful manner, without seeking required permits, increasing illegal occupancy, or completing sewer connection efforts.

X.

PRAYER FOR RELIEF

49. **WHEREFORE, PREMISES CONSIDERED**, the Town prays that this Court:

- a. Grant a temporary injunction, requiring Defendants to discontinue their violations of the Code of Ordinances as described herein;
- b. Grant a temporary injunction, requiring Defendants to bring the Compound into full compliance with all applicable codes as described herein;
- c. Grant a permanent injunction enjoining Defendants from continuing their violations of the Code of Ordinances as described herein;

- d. Grant a permanent injunction requiring Defendants to bring the Compound into full compliance with all applicable codes as described herein;
- e. Grant an order compelling Defendants to complete a sewer connection from the Compound to LCMUA's sewer line, or in the alternative, execute an order that authorizes the Town to enter the Compound to complete the construction at the sole cost of the Defendants and to impose a lien on the Compound for the collection of such costs together with 10% interest from the date of completion;
- f. Impose a civil penalty against Defendants in an amount of \$1,000 per day for each violation on the Compound since September 20, 2018;
- g. Enter an *in rem* final judgment in favor of the Town against the Defendant real property so that any future persons acquiring interest in the Compound takes it subject to the orders of the Court; and
- h. Award the Town its costs incurred including attorney fees and for such other and further relief, in law and in equity, to which the Town may show itself justly entitled.

Respectfully Submitted:

/s/ Matthew C.G. Boyle
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of March, 2026, I sent a copy of this instrument to the counsel of record below in accordance with the Texas Rules of Civil Procedure.

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/s/ Matthew C.G. Boyle
Matthew C. G. Boyle

VERIFICATION

I am the Town Manager for the Town of Hickory Creek, Texas, a governmental agency that is the Plaintiff in the above-styled cause. In my role, I am responsible to the Town Council for the administration of all affairs of the Town. I am the agent of the Town of Hickory Creek, Texas and the Town Council for the Town of Hickory Creek.

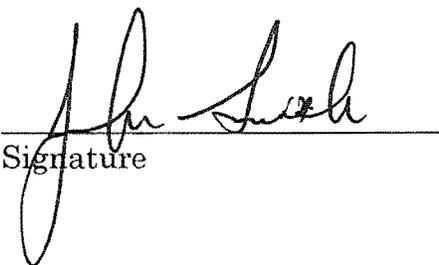
I have read the foregoing *Plaintiff's First Amended Petition and Application for Temporary and Permanent Injunction* and know its contents.

The matters which are stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

Executed on March 5, 2026, at Town of Hickory Creek, Denton County, Texas.

John Smith
Town Manager
Town of Hickory Creek, Texas



Signature

Automated Certificate of eService

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Alex Crowley on behalf of Alex Crowley

Bar No. 24144443

acrowley@boyle-lowry.com

Envelope ID: 112103973

Filing Code Description: First Amended (Original) Petition

Filing Description: and Application for Temporary and Permanent Injunction

Status as of 3/9/2026 8:43 AM CST

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