

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE
ELEVENTH JUDICIAL DIVISION

SECOND DIVISION

STATE OF TENNESSEE ex rel.	:	NO. _____
NEAL PINKSTON	:	
District Attorney General	:	
Petitioner;	:	HEARING DATE: _____
	:	
vs.	:	
	:	
LOOKOUT MOUNTAIN SUITES, LLC D/B/A	:	
THE ECONOMY INN	:	
5505 BRAINERD ROAD	:	
CHATTANOOGA, TN 37411	:	

AFFIDAVIT IN SUPPORT OF NUISANCE PETITION

Comes now the State of Tennessee and the Affiant Officer Ayriel Novak, after having been sworn and deposed to tell the truth, and states, on the best of his knowledge, information, and belief as follows:

1. I, Officer A. Novak #881, am a Police Officer with the Chattanooga Police Department and have been so employed for five years. After completing field training I was assigned to the Brainerd area. I am currently assigned to the Neighborhood Policing Bureau, Charlie South, as a Patrol Officer and have been so assigned for over 4 years.
2. During my time patrolling the Brainerd area, I have answered numerous calls for service at the motel located at 5505 Brainerd Rd (Economy Inn). Most of those calls for service involved disorders, public intoxication, fights, suspicious persons, and drug related activity. I have also initiated or assisted with many arrests on the property involving warrant service, stolen vehicles, narcotics activity, and weapon violations.
3. In the past year, I have had very limited interactions with the owner or employees at the motel located at 5505 Brainerd Rd as the main lobby is often locked and most often no one answers the telephone even during normal business hours. The property owner/operator continues to allow loitering on the property and other forms of criminal activity to occur on a regular basis.
4. I have spoken to several residents in the surrounding neighborhood, as well as local businesses nearby, who have complained about the tenants of the motel, to include but

not limited to, vehicle burglaries, shoplifting, property damage, narcotic sales, and shots fired (noise complaints).

Based upon the aforementioned facts, your Affiant believes that the Economy Inn, located at 5505 Brainerd Road, Chattanooga, TN 37411 constitutes a public nuisance.

Officer Ayriel Novak
Chattanooga Police Department

Sworn to and subscribed before me, this _____ day of _____, 2018

Notary Public

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE
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CHATTANOOGA, TN 37411	:	

AFFIDAVIT IN SUPPORT OF NUISANCE PETITION

Comes now the State of Tennessee and the Affiant Investigator Jamaal Noble, after having been sworn and deposed to tell the truth, and states, on the best of his knowledge, information, and belief as follows:

1. I, Investigator J. Noble #818 have been employed with the Chattanooga Police Department since 2014. I am currently assigned to the Criminal Investigations Breau-Violent Crimes / Homicide Unit, as a investigator on day shift. Prior to being assigned to the Homicide Unit, I spent three years as a patrol officer in Sector 3, Charlie South evenings, which covers the entire Brainerd Rd area and specifically 5505 Brainerd Rd (Economy Inn). This particular hotel is a well known location for the illegal sale of narcotics. This has resulted in numerous arrests for such crimes, as well as other various crimes.
2. During my time as a patrol officer, I've personally answered several calls for service at the Economy Inn. Those call would range anywhere from a noise complaint, to an aggravated assault with a weapon. Furthermore, I have personally made numerous arrests for narcotic violations, weapon law violations, and have even been involved in physical altercations, as well as foot pursuits on the property of the Economy Inn. The amount of calls that police respond to, for this business alone, is outrageous compared to calls for service that police respond to at other surrounding businesses in the area.
3. In addition to this hotel being nuisance, I've witnessed countless occupied rooms that appeared to be inhabitable for anyone to live in. Those rooms would consist of visible bed bugs, and an overwhelming infestation of cockroaches. Trash would literally

be scattered throughout the hallways, uncapped needles discarded in the parking lot and even children playing in the midst of all that has been described.

Based upon the aforementioned facts, your Affiant believes that the Economy Inn, located at 5505 Brainerd Road, Chattanooga, TN 37411 constitutes a public nuisance.

Investigator Jamaal Noble
Chattanooga Police Department

Sworn to and subscribed before me, this _____ day of _____, 2018

Notary Public

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TEMPORARY INJUNCTION/RESTRAINING ORDER

The District Attorney for the Eleventh Judicial District has filed a Verified Petition alleging that a nuisance exists at Economy Inn, 5505 Brainerd Road, Chattanooga, TN 37411 (*hereinafter* Economy Inn).

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; and
- (2) The aforementioned Store constitutes a public nuisance pursuant to Tenn. Code Ann 29-3-103.

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 into the economy Inn and serve a copy of this Temporary Injunction/Restraining Order on the owner, operator or otherwise responsible party.

The Economy Inn is closed in all respects until further order of the Court.

It is further Ordered that signs are to be posted at the property stating that the Economy Inn 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 items from the Economy Inn except for personal items belonging to legitimate guests that have no evidentiary value.

Any peace officer shall further secure the Economy Inn from compliance with these orders including, if deemed necessary, the erection of temporary barriers, boarding the Economy

Inn and/or whatever other means are deemed necessary to close the Economy Inn 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 than 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(s), and its owners, are hereby ORDERED to appear before this Court to show cause why a permanent injunction should not be issued.

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

Entered this the _____ day of _____, 2018 at _____.

Judge Tom Greenholtz
Hamilton County Criminal Court
Second Division

<u>COUNTY OF HAMILTON</u>	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	<u>Case Number</u>
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STATE OF TENNESSEE, EX. REL NEAL PINKSTON, DISTRICT ATTORNEY GENERAL
V. LOOKOUT MOUNTAIN SUITES, LLC, D/B/A, THE ECONOMY INN, 5505 BRAINERD ROAD,
CHATTANOOGA, TN 37411

Served On:

REGISTERED AGENT: LOOKOUT MOUNTAIN SUITES, LLC, D/B/A ECONOMY INN
3210 BROAD STREET
JANICE HIXSON CHATTANOOGA, TN 37408-3059

You are hereby summoned to defend a civil action filed against you in **HAMILTON COUNTY CRIMINAL COURT, DIVISION I, HAMILTON** County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: _____
Clerk / Deputy Clerk

Attorney for Plaintiff: **NEAL PINKSTON, DISTRICT ATTORNEY GENERAL, 600 MARKET STREET, SUITE 310, CHATT., TN 37402**

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to _____, _____ Clerk, _____ County

CERTIFICATION (IF APPLICABLE)

I, **VINCE DEAN, CRIMINAL COURT CLERK OF HAMILTON COUNTY, TENNESSEE** do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____
Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: _____

Date: _____ By: _____
Officer, Title

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff Plaintiff's Attorney (or Person Authorized to Serve Process)
(Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at () _____.

<u>COUNTY OF HAMILTON</u>	STATE OF TENNESSEE CIVIL SUMMONS	<u>Case Number</u>
page 1 of 1		

STATE OF TENNESSEE, EX. REL NEAL PINKSTON, DISTRICT ATTORNEY GENERAL
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<u>COUNTY OF HAMILTON</u>	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	<u>Case Number</u>
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