

ORDER: CRUELLY TREATED ANIMAL(S) HEARING (Sec. 821.023, H.S.C.)

CAUSE NUMBER: CL16-0049-11

IN RE:

§ IN THE JUSTICE OF THE PEACE, PRECINCT ONE

§ CITY OF HEMPSTEAD

§ WALLER COUNTY, TEXAS

**ORDER**

On this the 2 day of September, 2016, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same, **THIS COURT FINDS** that Respondent, Kathie Digilio as owner(s) of the following described animal(s):

see attachment one in search warrant

~~— did not~~ cruelly treat the animal(s), and therefore, **IT IS ORDERED** that the animal(s) be returned to the owner(s).

• did cruelly treat the animal(s) by

improperly caring for the horses and maintaining too many horses on her property (describe the cruel treatment), and **IT IS THEREFORE ORDERED** that said owner(s) be divested of ownership of said animal(s);

- 1) namely 27 horses including three sold prior to seizure
- 2) see court order and agreement reflected and entered by the parties

**IT IS FURTHER ORDERED** (check one)

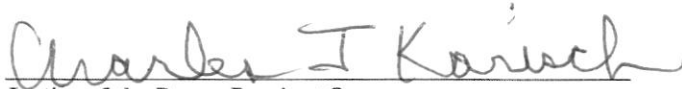
~~— that said animal(s) be sold by public auction, with the proceeds from the sale of the animal to be first applied to the costs ordered below.~~

• that said animal(s) be given to a Justice or county animal shelter or a nonprofit animal welfare organization, namely True Blue (specifically 24 horses

as per the agreement between the State of Texas and the Defendant). Three horses including "Flyer" returned to their owners per the agreement.

It is ordered that seven horses be returned per agreement,  
that as the Court finds that it is in the best interest of the animal or that the public health and safety would be best served by doing so, that said animal(s) be humanely destroyed.

**IT IS FURTHER ORDERED** that the owner pay costs in the amount of \$ \_\_\_\_\_.  
The Respondents have the right to appeal this Order divesting the owner of ownership to the (County Court) (County Court at Law) of Waller County, Texas. The Court finds that the estimated costs likely to be incurred to house and care for the impounded animal during the appeal process is \$ 30,000. It is therefore **ORDERED** that the amount of bond necessary to perfect an appeal is \$ 30,000 (sum of the ordered costs and costs likely to be incurred).



Justice of the Peace, Precinct One  
Waller County, Texas