

S.H.A.P.E. IS IN GOOD SHAPE - S.H.A.P.E Community Center Fights Off Property Hijacking

Written by Jeffrey L. Boney, Associate Editor
Wednesday, 13 February 2013 00:00



For 43 years, the S.H.A.P.E. Community Center has been at the core of the Houston community, providing programs and advocacy geared towards youth, family and the revitalization and strengthening of the family.

The S.H.A.P.E. Community Center, which stands for “Self Help for African People through Education,” was recently informed that their properties had been auctioned off in a dispute over unpaid debt involving a photocopier.

As this new struggle and storm reared its ugly head, S.H.A.P.E. and its leadership have taken the posture that this “too shall pass.”

PROPERTY AUCTIONED

When news first broke concerning the properties being auctioned off the future of the center looked uncertain. The three properties owned by S.H.A.P.E. Community Center, valued at over a million dollars, were only sold for \$81,000 at an auction held at Harris County Pct. 4 Constable May Walker’s office.

Texas law allows auctions like this to take place. Legally, any property owned in Texas that isn’t homestead property, can be sold to satisfy any judgment that hasn’t been paid. Thus was the case with S.H.A.P.E.

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S.H.A.P.E. had fallen behind on a couple of payments for the photocopier, which was originally purchased for only \$30,000. The debt had ballooned to as much as \$80,000, as a result of late fees and other miscellaneous charges associated with the contract.

In 2009, Tygris Vendor Finance, a New Jersey-based company, sued S.H.A.P.E. Community Center in an east coast court, and successfully received a default judgement against them for failing to pay a lease agreement involving the \$30,000 office copier. According to court records, S.H.A.P.E. was ordered to pay \$60,000 as a result of that judgment, but never did.

Tygris was able to obtain an enforcement of a foreign judgement here in Texas, allowing them to foreclose on all three buildings owned by S.H.A.P.E. An injunction was filed on February 1st and the property was sold four days later. Constable Walker's office informed S.H.A.P.E. that they did not find out about the injunction until after the sale had taken place and that there was nothing they could do about it at that point.

The transfer of S.H.A.P.E.'s three properties was put on hold last Wednesday when a Harris County judge approved a temporary restraining order against the buyer, EZ Trust, Harris County Precinct 7 Constable May Walker and Harris County Auditor Barbara Schott.

S.H.A.P.E. attorney Benjamin Hall, with the Hall Law Firm, filed an injunction with the courts to put the sale on hold until he was able to get a hearing. As a result of the injunction being filed, a temporary injunction hearing has been scheduled for Monday, February 18th at 1:30 pm at the Harris County Civil Court in the 165th Judicial District Court, where Judge Elizabeth Ray will be presiding.

Hall hopes to get this matter resolved speedily and believes that the courts will side with his client, S.H.A.P.E. Community Center.

SEEKING RESOLUTION

The Houston Forward Times caught up with S.H.A.P.E. founder Deloyd Parker, where he expressed confidence that this issue would be resolved.

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“S.H.A.P.E. Community Center ain’t going nowhere,” said Parker. “We have received calls from all over the world from people expressing their support and prayers. A blow against S.H.A.P.E. is a blow against the world. We will prevail because we are on the side of right and we have the Hall Law Firm representing us.”

Parker is praying for a speedy resolution to this issue and states that he has been working hard to resolve this issue since 2009 and felt blindsided when he received word that the S.H.A.P.E. properties had been sold at an auction.

Parker says that S.H.A.P.E. has done everything they could do to handle this matter ethically and properly and emphatically states that nothing or no one is going to disrupt the good work that S.H.A.P.E. does in the community.

“We don’t run from our responsibilities and we sought to resolve this matter out of court and pay this bill,” said Parker. “We offered settlements and they were all rejected. S.H.A.P.E. is not perfect, but we have always operated with the highest level of integrity and have handled our business properly for over 43 years. Some people are opportunists and some people take advantage of your mistakes. We have a team of people in place to deal with our internal challenges now so that we can avoid this sort of thing ever happening again.”

WAS THIS LEGAL?

Parker doesn’t understand why the company moved so aggressively towards foreclosing on S.H.A.P.E.’s three properties, but he is looking forward to resolving this in court on Monday.

Meanwhile, S.H.A.P.E. attorney Ben Hall says that the property still belongs to S.H.A.P.E. and he is overly confident that the property will remain in the hands of S.H.A.P.E. when the court views the evidence.

“I don’t believe, nor have I found that there is anything sinister behind the foreclosure,” said Hall.

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“There were, however, legal steps that are required that were not followed by the judgement creditor and by the people who purportedly purchased the properties, which made this an inequitable sale. As their lawyer, I’ve looked at the facts and I am very confident in S.H.A.P.E.’s position and in the fact that S.H.A.P.E. Community Center is not going to be lost and all of this is going to be resolved.”

Hall believes that Constable May Walker’s office did a great job handling the situation and doesn’t believe her office should be faulted or accused of doing anything wrong or improper. Hall does, however, find fault with the individuals who moved too quickly to get the sale perfected and the obvious miscues that he discovered. He believes that certain steps were missed that created this issue.

According to Hall, S.H.A.P.E. never received any of the lawful notices required by law and as a result, it led to this unusual outcome. Hall states that there were some notices that were not provided by those individuals, and by not following the proper legal recourse, they failed to provide S.H.A.P.E. with the proper time and opportunity to hire an attorney to protect their interest.

Hall truly hopes that this incident is used as a teachable moment and a valuable legal lesson learned for all non-profits out there.

“When you receive a notice from the court, it is prudent you contact an attorney or someone involved with legal training to help you navigate your way out through that system immediately,” said Hall. “If you ignore a notice from the court, it could wind up hurting you more in the long run.”

Hall says legally S.H.A.P.E. is going to be fine, but he hopes S.H.A.P.E. and other non-profits reach out and recruit more bankers, lawyers and professionals to serve on their boards and volunteer to help them.

On the flip side, Hall believes that the leadership in this city should not wait to be called upon, but should proactively stand up and support entities like S.H.A.P.E. to ensure that Houston’s most valued institutions are protected and have long-term sustainability.

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SUPPORT S.H.A.P.E.

S.H.A.P.E. Community Center has been a staple in Houston's African American community for over four decades. Each Saturday, you can find about 25-30 new volunteers being trained by Parker at their new volunteer orientation. All of these new volunteers come looking for ways to help an organization that has helped so many.

S.H.A.P.E. provides Family Strengthening & Empowerment Programs year-round, with parent support groups, youth/family guidance and counseling. They also provide Community Empowerment Programs, including a Fruit & Vegetable Cooperative, Wholistic Health activities, Kwanzaa Celebrations, Council of Elders, Pan African Cultural Festival, Legal Assistance clinics, Youth & Adult Computer Classes, and forums for community issues, and other empowerment activities.

The community center, which started in 1969 with only a staff of two, now supports 20 full-time, part-time and seasonal staff and hundreds of volunteers and has gained both national and international attention. The people of Gambia embraced the S.H.A.P.E. philosophy and developed the S.H.A.P.E. Community Center in The Gambia in 2001.

S.H.A.P.E. has received over 400 awards over their 43 years of serving the community, including the Jefferson Award, MLK Humanitarian Award, State of Texas (TCADA) Substance Abuse Prevention Award, along with many others too numerous to list. S.H.A.P.E. has made presentations in London, England on "Building Institutions" in 1993 and in Washington, D.C. for the National Crime Prevention Council (NCPC). It has conducted many seminars for schools throughout the Greater Houston and Southeast Texas area.

Parker is asking everyone to support S.H.A.P.E. Community Center in many ways.

"We, at S.H.A.P.E., ask for three things," said Parker. "First, we ask that you keep us in your prayers. Secondly, we ask that you come and show your support of S.H.A.P.E. in the courtroom this Monday, at 201 Caroline Street on the 12th floor. We aren't protesting or anything; we just want the community to know how much we love and support S.H.A.P.E. Lastly, we ask that you

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support S.H.A.P.E. and all grassroots institutions like ours financially, especially beyond this period.”

The community is the reason S.H.A.P.E. has been around for nearly half-a-century. It is important for the community to financially support organizations like S.H.A.P.E. in order to ensure they are around for another half-a-century.

The Houston Forward Times will keep you posted on the outcome of the court ruling.