

CAUSE NO.: 2007-25798

HARRIS COUNTY, ET AL.	§	IN THE DISTRICT COURT
	§	
PLAINTIFFS,	§	
V.	§	
	§	125TH JUDICIAL DISTRICT
JOSE DE LA CRUZ IRAHETA, ET AL.	§	
	§	
DEFENDANTS.	§	HARRIS COUNTY, TEXAS

DEFENDANT JOSE DE LA CRUZ IRAHETA'S ORIGINAL ANSWER, SECOND AMENDED COUNTER-CLAIM, AND SECOND AMENDED CROSS-CLAIM

NOW COMES Defendant Jose De La Cruz Iraheta, a named Defendant, in the above-entitled and numbered cause, and file this Original Answer, and show the Court:

I. Discovery

1. Defendant will conduct discovery pursuant to Rule 190, Texas Rules of Civil Procedure "TRCP", Discovery Control Plan, Level 2.

II. Parties

2. Defendant/Counter-Plaintiff/Cross-Plaintiff Jose De La Cruz Iraheta ("Mr. Iraheta") is a legal resident of the State of Texas, a member of the United States Air Force, currently on active duty federal military service. Defendant Mr. Iraheta and is currently stationed outside the State of Texas at Robins Air Force Base, Warner Robins, Georgia.

3. Plaintiff/Counter-Defendants are listed and described in Plaintiff's First Amended Petition, Paragraph I, **"PLAINTIFF(S)"**.

4. Cross-Defendant, Linebarger Goggan Blair & Sampson, L.L.P., ("Linebarger") is a domestic Limited Liability Partnership. It's presence before the Court is specified in paragraph VI, Plaintiff's First Amended Petition, is "represented by the attorney whose name is signed", Pankaj R. Parmar, is before the Court for all purposes, and no further service of process is required.

III. General Denial

5. Defendant, Mr. Iraheta, denies each and every allegation stated in Plaintiff's First Amended Petition, and demand strict proof thereof as required by the TRCP and the Texas Civil Practice and Remedies Code.

IV. Specific Denials and Affirmative Defenses

6. Defendant, Mr. Iraheta, specifically denies the allegations specified in Paragraph III, Plaintiffs' First Amended Petition, and demands strict proof of the "TOTAL DUE" amount claimed; denies that there are "delinquent taxes"; denies there are penalties, interests, and costs justly due, owing and unpaid to Plaintiffs.

7. Defendant, Mr. Iraheta, with regards to Paragraph IV, Plaintiffs' First Amended Petition, specifically denies and demands strict proof thereof that "all of the taxes were authorized by law and legally imposed"; specifically denies and demands strict proof thereof that Plaintiffs now have a lien on each tract of real property and each item of personal property; specifically denies, pursuant to Rule 54, TRCP, and demands strict proof thereof, "that all things required by law to be done have been done properly by the appropriate officials and all conditions precedent have been met."

8. Furthermore, Defendant Mr. Iraheta demand that Plaintiffs clarify the generalization of the personal property against which a lien is asserted by Plaintiffs, individually and jointly, to secure the payment of all alleged amounts itemized in the foregoing tax suit. Plaintiffs are required, by Texas Property Tax Code § 33.43(a)(9), to separately describe each real and personal property. Plaintiffs Mr. Iraheta asks this Court to either order repleading or strike that request from Plaintiffs' pleading.

9. For further answer, if necessary Mr. Iraheta asserts that all of Plaintiffs' alleged causes of action regarding the delinquency of Mr. Iraheta's tax account, penalties, interests, and all other costs and damages claimed are barred by waiver and/or statute.

10. For Further answer, if necessary Mr. Iraheta asserts that this lawsuit is possibly barred by the Texas Property Tax Code and or the Servicemember Civil Relief Act.

V. Second Amended Counter-Claim

11. Mr. Iraheta brings this his Counter-Claim against Plaintiffs for all, and each, but not limited to, the following:

a. Wrongfully authorizing the filing of the frivolous suit, in the above numbered and styled cause, stating the causes of action outlined in Plaintiffs' First Amended Petition, Section III, prosecuting and claiming 11 different instances of amounts for penalties and interests, which constitute 11 separate violations for each of the following: the Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U. S. C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983;

b. wrongfully authorizing the filing of the frivolous suit, in the above numbered and styled cause, stating the causes of action outlined in Plaintiffs' First Amended Petition, Section I, unlawfully seeking "the recovery of delinquent ad valorem taxes" which, per the Texas Property Tax Code § 31.02(a), were not delinquent given Mr. Iraheta's valid military waivers. Each instance of these actions is a separate violation of the Texas Property Tax Code § 31.02(a) and the Civil Rights Act 42 U.S.C. §§ 1983;

c. negligent conduct in failing to maintain adequate oversight of records by acting unreasonably and failing to accurately report Mr. Iraheta's valid military waiver and tax account status, and failing to supervise the conduct of its collection agent, Cross-Defendant Linebarger;

d. failing to convey to Plaintiffs' collection agent, Cross-Defendant Linebarger, Mr. Iraheta's active duty military status, current and valid Military Property Owner's Waiver, pursuant to Texas Property Tax Code § 31.02, and non-delinquency of account;

e. negligent conduct and tortuous interference in the business relationship of Mr. Iraheta in wrongfully asserting a claim to, and unlawfully and wrongfully collecting payments, from Countrywide, for penalties, interests, collection costs, and attorneys' fees assessed against Mr. Iraheta's account(s);

f. negligent conduct and breach of fiduciary duty, in wrongfully and unlawfully, assessing Mr. Iraheta penalties and interests, and collecting, receiving, and processing payment(s) for same. Each instance being a separate violation of Texas Property Tax Code § 31.02 & 33.43(a)(5) and the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d);

g. depriving Mr. Iraheta of the right to use his property(ies) as collateral in financial transactions by falsely and unlawfully displaying a delinquent account status in a website controlled by the Harris County Tax Office;

h. wrongful and improper prosecution, and breach of fiduciary duty in violating Mr. Iraheta's rights entitled and due pursuant to the Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983;

i. negligent conduct, and wrongful prosecution, by authorizing Cross-Defendant to file Plaintiffs' First Amended Petition, Section II, unlawfully claiming "all penalties, interest, attorney's fees, and costs", constituting additional, and separate, violations of the Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983;

j. negligent conduct and breach of fiduciary duty in wrongfully, and unlawfully, assessing, collecting, receiving, and processing payment for penalties, and interests. Each instance being a violation of Texas Property Tax Code § 31.02 & 33.43(a)(5) and the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); and

k. wrongfully and unlawfully authorizing the filing of the above numbered and styled cause, and falsely asserting formally as a fact “that all things required by law to be done have been done properly...”, when it knew that there was a valid military waiver on file, that Mr. Iraheta was entitled to rights and protections of the Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983, thus in violation of the Texas Property Tax Code § 33.43(a)(10).

12. For each element stated in 11(a) – (k) above, Counter-Defendants acted without authorization of law, willfully, knowingly, negligently, capriciously, and without due customary care and diligence, deprived Mr. Iraheta of, and violated, his rights and protections afforded to him under the provisions of Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983. Each instance constituting an additional violation of the Texas Property Tax Code § 33.43(a)(10).

VI. Second Amended Cross-Claim Against Linebarger

13. Mr. Iraheta brings this his Cross-Claim against Linebarger for all, and each, but not limited to, the following:

a. Linebarger’s principal line of commerce is the collection business and is the contracted collection agent to Plaintiffs, for numerous services, which include the collection of delinquent property taxes. Linebarger knew, or should have known, that pursuant to the Texas Property Tax Code § 31.02 & 33.43(a)(5) and the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), Mr. Iraheta had a valid military waiver, his account was not delinquent, and he did not owe the penalties, interests, and attorneys’ fees sought;

b. Linebarger, in complete disregard of verbal and written notices provided by Mr. Iraheta, applicable U.S. and Texas’ laws and statutes, on multiple occasions, during the period of May 31, 2003 – May 31, 2007, under false, fraudulent pretenses and representations, and without authorization of law, sent or caused to be delivered by the U.S. Postal Service, correspondence, or matter, that intended to obtain payment(s), and or money, for penalties, interests, and attorneys’ fees wrongfully, and unlawfully, assessed against Mr. Iraheta’s property tax account(s). Furthermore, Linebarger knew, or should have known, that the penalties, interests, and attorneys’ fees claimed were unlawful, and in violation of Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d). Additionally, the correspondence, or matter, made the explicit and

implicit threats of litigation and liens against real property owned by Mr. Iraheta. These actions, or scheme, are prohibited actions under 18 U.S.C. §§ 1341, Mail Fraud. Defendants scheme violated the Federal Racketeer Influenced to Corrupt Organizations Act (“RICO”) 18 U.S.C. §1961 et seq. Pursuant to 18 U.S.C. § 1964(c), Mr. Iraheta complains of Linebarger’s Mail Fraud and RICO violations;

c. negligent conduct in failing to make a reasonable effort to verify the accuracy of the alleged penalties, interests, and attorneys’ fees claimed, despite Mr. Iraheta’s various, written and verbal, notices asserting his active duty military status and valid military waiver pursuant to Texas Property Tax Code § 31.02;

d. negligent conduct by acting unreasonably in failing to avoid such errors, without authorization of law, willfully, knowingly, and purposely, deprived Mr. Iraheta of his rights and protections afforded by, and in doing so violated each of, the following: Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983;

e. for each instance in which Linebarger directed correspondence to Mr. Iraheta seeking payment of penalties, interests, attorneys’ fees, and unlawful filing of the above referenced numbered and styled cause, Linebarger knowingly, willfully, and purposely conspired with Plaintiffs to deprive, directly or indirectly, Mr. Iraheta “the equal protection of the laws, or of equal privileges and immunities” entitled to him pursuant to each of the following: Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983, U.S.C. §§ 1341. Each of these actions, and violations, are also individual violations of the Civil Rights Act 42 U.S.C. §§ 1983;

f. wrongfully and unlawfully filing of the frivolous suit, in the above numbered and styled cause, stating the causes of action outlined in Plaintiffs’ First Amended Petition, Section III, prosecuting and claiming 11 different instances of amounts for penalties and interests, which constitute 11 separate violations of each of the following: Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983;

g. wrongfully filing of the frivolous suit, in the above numbered and styled cause, stating the causes of action outlined in Plaintiffs’ First Amended Petition, Section I, unlawfully seeking “the recovery of delinquent ad valorem taxes”, which pursuant to Texas Property Tax Code § 31.02(a) were not delinquent given Mr. Iraheta’s valid military waivers, which Linebarger knew, or should have known, were applicable. These actions constitute additional violations of Texas Property Tax Code § 31.02(a) and the Civil Rights Act 42 U.S.C. §§ 1983;

h. failing to maintain adequate oversight of records by acting unreasonably and failing to accurately report Mr. Iraheta's valid military waiver, tax account status, and failing to supervise the conduct of its employees involved in each instance of 13(a) – (g) above;

i. tortuous interference in the business relationship of Mr. Iraheta in having, wrongfully asserting a claim to, making demand of, and unlawfully collecting wrongfully and illegally assessed penalties and interests which Countrywide paid under threat of civil suit, and/or litigation, and/or lien against real property owned by Mr. Iraheta;

j. wrongful, unlawful, and improper prosecution, by knowingly filing a tax suit which Linebarger knew, or should have known, was not legally authorized and in doing so violating the provisions of the Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d). Said violations constitute violations of the Civil Rights Act 42 U.S.C. §§ 1983;

k. negligent conduct and wrongful prosecution, by filing Plaintiffs' First Amended Petition, Section II, unlawfully claiming "all penalties interests, attorney's fees, and costs", in direct violation of Property Tax Code § 31.02 & 33.43(a)(5), (10)-(11), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983;

l. negligent conduct and wrongful prosecution, by filing Plaintiffs' First Amended Petition, Section IV, unlawfully claiming "attorney's fees", in direct violation of Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983; and

m. negligent conduct in wrongfully and unlawfully filing, the above numbered and styled cause, and falsely asserting formally as a fact "that all things required by law to be done have been done properly...", when Linebarger knew, or should have known, that there was a valid military waiver on file, that Mr. Iraheta was entitled to rights and protections under the provisions of the Property Tax Code § 31.02 & 33.43(a)(5) and the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), thus violating the elements of the Property Tax Code § 33.43(a)(10)-(11).

14. For each element stated in 13(a)-(m) above, Linebarger acted maliciously, without authorization of law, by negligently, willfully, purposely, and knowingly depriving Mr. Iraheta of rights and protections afforded to him pursuant to the following: Texas Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983 & 1985.

VII. Common Law Negligence

15. Counter-Defendants had a duty to Mr. Iraheta to exercise reasonable care in determining whether Mr. Iraheta's tax account was actually delinquent, to not classify it as delinquent, to not display on the internet account information that stated the account was delinquent and penalties and interests had been assessed.

Additionally, given Mr. Iraheta's valid military waiver, and rights entitled and due to him pursuant to Property Tax Code § 31.02 & 33.43(a)(5), the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d), and the Civil Rights Act 42 U.S.C. §§ 1983, Counter-Defendants had a duty to correct the status of Mr. Iraheta's account(s) before turning them over to Cross-Defendant Linebarger. Mr. Iraheta's account(s) were wrongfully and unlawfully classified and labeled as delinquent, and illegally assessed penalties and interests. Instead of exercising such care, as may be customary and expected, Counter-Defendants authorized Linebarger to collect unlawfully assessed penalties, interests, attorneys' fees, other costs.

Their negligent actions culminated in the unlawful, and frivolous, filing of a tax suit. The tax suit claimed, and wrongfully sought to collect, illegally levied penalties and interests; actions which are gross violations of the Texas Property Tax Code, the Servicemembers Civil Relief Act, and the Civil Rights Act. These actions were a breach of the duty Cross-Defendants owed to Mr. Iraheta; violations of Mr. Iraheta's rights pursuant to above referenced U.S. and Texas' laws and statutes; were the proximate cause of false and malicious information provided by Counter-Defendants to Linebarger; causing various damages to Mr. Iraheta.

16. Linebarger had a duty to Mr. Iraheta to exercise reasonable care to ensure that Mr. Iraheta actually owed the penalties, interests, and attorneys' fees claimed; to validate the delinquency status of Mr. Iraheta's account(s), given the valid military waiver, and not to violate Mr. Iraheta's rights, and protections, entitled to him, pursuant, but not limited to each of the following: Texas Property Tax Code § 31.02 & 33.43(a)(5), (10)-(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); the Civil Rights Act, 42 U.S.C. §§ 1983 & 1985; Mail Fraud, 18 U.S.C. §§ 1341; the Federal Racketeer Influenced to Corrupt Organizations Act ("RICO") 18 U.S.C. §1961 et seq; and 18 U.S.C. § 1964(c).

Linebarger breached this duty by negligently failing to: verify the actual amount owed by Mr. Iraheta; verify the validity of the "delinquency" status of his account; and failing to take notice that Mr. Iraheta had a valid military waiver of penalty and interest on file. Mr. Iraheta provided written, and verbal, notifications on various occasions, to Linebarger regarding his active duty military status and valid military waiver. However, Linebarger

did nothing to correct its files and negligently allowed information it knew, or should have known, to be false, and/or incorrect, to remain in its collection file of Mr. Iraheta's tax account(s).

These actions were the proximate cause of Linebargers' continuous collection efforts culminating in the wrongful and illegal, filing of a tax suit. Linebarger's negligent actions, omissions, and collections' scheme, violated the rights and entitlements of Mr. Iraheta under the provisions Texas Property Tax Code § 31.02 & 33.43(a)(5), (10)-(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); the Civil Rights Act, 42 U.S.C. §§ 1983 & 1985.

VIII. Damages

17. As a result of all the incidents described in the foregoing action, and those to be orally plead at time of trial, Mr. Iraheta has suffered several damages and expenses directly and indirectly associated with consequences brought forth by Plaintiffs/Counter-Defendants' and Cross-Defendant's negligence and actions.

18. Mr. Iraheta seeks damages for Plaintiffs/Counter-Defendants' and Cross-Defendant's negligence and actions as follows:

- a. Actual damages within the jurisdictional limit of the Court;
- b. An amount determined by a Jury, individually, from each of the eight Plaintiffs, listed in Paragraph I, Plaintiffs' First Amended Petition, and Cross-Defendant as damage for any lien, auction, sale, foreclosure, or transfer of right, title, or interest of Mr. Iraheta's real and personal property prior to or during the pendency of this suit, executed by or on behalf of Plaintiffs and/or Cross-Defendant;
- c. Treble and exemplary damages within the jurisdictional limit of the Court, for each violation of the following: Texas Property Tax Code § 31.02, § 33.43(a)(5), § 33.43(10), and § 33.43(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); the Civil Rights Act, 42 U.S.C. §§ 1983 & 1985; and as allowed per 18 U.S.C. § 1964(c) for violations of Mail Fraud, 18 U.S.C. §§ 1341 and the Federal Racketeer Influenced to Corrupt Organizations Act ("RICO") 18 U.S.C. §1961 et seq;
- d. Mental anguish damages, within the jurisdictional limits of the Court, or in the amount of \$25,000.00, per each incident related to the common law negligence of Plaintiffs/Counter-Defendants and Cross-Defendant and their respective violations of each of the following: Texas Property Tax Code § 31.02, § 33.43(a)(5), § 33.43(10), and § 33.43(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); the Civil Rights Act, 42 U.S.C. §§ 1983 & 1985; and as allowed per 18 U.S.C. § 1964(c) for violations of Mail Fraud, 18 U.S.C. §§ 1341 and the Federal Racketeer Influenced to Corrupt Organizations Act ("RICO") 18 U.S.C. §1961 et seq;
- e. Punitive damages in an amount, within the jurisdictional limits of the Court, sufficient to punish each Plaintiffs/Counter Defendants and Cross-Defendant and serve as an example and deterrent to other that might be tempted to engage in such egregious conduct which constituted violations of the Texas Property Tax Code § 31.02, §33.43(a)(5), § 33.43(10), and §33.43(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); the Civil Rights Act, 42 U.S.C. §§ 1983 & 1985; and, as allowed per 18 U.S.C. § 1964(c), for violations of Mail Fraud, 18 U.S.C. §§ 1341 and the Federal Racketeer Influenced to Corrupt Organizations Act ("RICO") 18 U.S.C. §1961 et seq;
- f. Costs of suit and Court, and Attorneys' fees; and

g. Pre-judgment and post judgment interest as provided by law.

IX. Injunctive Relief

19. Mr. Iraheta brings these actions to remedy Plaintiffs' and Linebarger's past violations of the Texas Property Tax Code § 31.02, §33.43(a)(5), § 33.43(10), and §33.43(11); and the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d). Mr. Iraheta has no adequate remedy of law to prohibit future violations by Plaintiffs/Counter-Defendants and Cross-Defendant. Mr. Iraheta also asks an order from the Court to prohibit, block, and or prevent, Counter-Defendants and Cross-Defendant from filing civil litigation, and/or tax suits, until such a time that Counter-Defendants and Cross-Defendant can certify to the Court that the tax assessment and levies, tax collections' scheme, actions, program, policies, and procedures comply with the elements of Texas Property Tax Code § 31.02, §33.43(a)(5), § 33.43(10), and §33.43(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d).

Furthermore, Mr. Iraheta asks the Court that injunctive relief be enforceable until such time that Linebarger certifies to the Court that:

a. its tax collections' scheme, actions, program, policies, and procedures comply with the elements of Texas Property Tax Code § 31.02, §33.43(a)(5), § 33.43(10), and §33.43(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d); and

b. its Appraisal & Collection Technologies ("ACT") software can correctly, and accurately, code tax accounts as "military deferment", that the software's code and architecture complies and provides for the classification of tax accounts in military deferment and the calculation of penalties and interests due on accounts pursuant to the provisions of Texas Property Tax Code § 31.02, §33.43(a)(5), § 33.43(10), and §33.43(11); the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501(d).

X. Jury Demand

20. Mr. Iraheta respectfully requests a trial by Jury on all causes of action.

XI. Prayer

21. Defendant prays the Court, after notice and hearing or trial, enters judgment in favor of Defendant, that Plaintiffs take nothing by reason of their petition herein, and awards Defendant the costs of court and suit, attorney's fees, and such other and further relief as Defendant may be duly entitled.

22. Counter-Plaintiff prays the Court for injunctive relief, as requested on 19 above, and after notice and hearing or trial, enters judgment against Counter-Defendants as enumerated in Paragraph 18(a)-(g) above, that he

recover his costs of suit, attorney's fees, pre-judgment and post-judgment interest, and for such other and further relief, special or general, at law or in equity, to which Counter-Plaintiff may be entitled.

23. Cross-Plaintiff Counter-Plaintiff prays the Court for injunctive relief, as requested on 19 above, after notice and hearing or trial, enters judgment against Cross-Defendant as enumerated in Paragraph 18(a)-(g) above, that he recover his costs of suit, attorney's fees, pre-judgment and post-judgment interest, and for such other and further relief, special or general, at law or in equity, to which Cross-Plaintiff may be entitled.

Respectfully submitted,



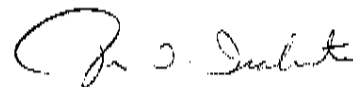
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**DEFENDANT/COUNTER-
PLAINTIFF/CROSS-PLAINTIFF,
PRO SE**

CERTIFICATE OF SERVICE

I certify that on this, the 1st day of April, 2008, the foregoing DEFENDANT'S ORIGINAL ANSWER, SECOND AMENDED COUNTER-CLAIM, AND SECOND AMENDED CROSS-CLAIM was served upon the following parties in accordance with mutual agreement and the Texas Rules of Civil Procedure .

Mr. Kent M. Rider
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Attorney for Counter-Defendants/Cross-Defendant



JOSE D. IRAHETA
**DEFENDANT/COUNTER-
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