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SUIT NO. 2007-25798

HARRIS COUNTY, ET AL

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IN THE DISTRICT COURT

VS.

125TH JUDICIAL DISTRICT

JOSE DE LA CRUZ IRAHETA, ET AL

HARRIS COUNTY, TEXAS

*S. 11.07*

PLAINTIFFS' FIRST AMENDED PETITION

FILED  
CHARLES BACARISSE  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS

MAY 11 PM 3:08

DEPUTY

TO THE HONORABLE JUDGE OF SAID COURT:

I.

PLAINTIFF(S)

This suit is brought for the recovery of delinquent ad valorem taxes under TEX. TAX CODE § 33.41 by the following named Plaintiff(s), whether one or more, each of which is a taxing unit and is legally constituted and authorized to impose and collect taxes on property:

HARRIS COUNTY, on behalf of itself and the following county-wide taxing authorities, the HARRIS COUNTY EDUCATION DEPARTMENT, the PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, the HARRIS COUNTY FLOOD CONTROL DISTRICT, the HARRIS COUNTY HOSPITAL DISTRICT (hereinafter Harris County); CITY OF HOUSTON; HOUSTON INDEPENDENT SCHOOL DISTRICT AND HOUSTON COMMUNITY COLLEGE SYSTEM

The Plaintiff(s) intends discovery to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure.

DEFENDANT(S)

The following are named as Defendant(s) in this suit, and they may be served with notice of these claims by service of citation at the address and in the manner shown as follows:

Jose De La Cruz Iraheta, P.O. Box 3355, Warner Robins, GA 31099-3355 (Awaiting Service);

Jose De La Cruz Iraheta is a non-resident of the State of Texas; was engaged in businesses in Texas. The lawsuit arises out of the non-resident's business dealings in Texas. Therefore the Secretary of State is the agent for service on the non-resident defendant. Jose De La Cruz Iraheta, A non resident, who can be served by delivering citation at: P.O. Box 3355, Warner Robins, GA 31099-3355 By serving their agent the Secretary Of State Texas, or their designated person pursuant to Texas Admin. Code Section 71.21, Statutory Filings Division, Statutory Documents at 1019 Brazos Street, Earl Rudder Building Austin, TX 78701 by certified mail as authorized under Section 17.091, 17.026(a) of CP&RC

**Margarita Iraheta, P.O. Box 3355, Warner Robins, GA 31099-3355 (Awaiting Service); Margarita Iraheta is a non-resident of the State of Texas; was engaged in businesses in Texas. The lawsuit arises out of the non-resident's business dealings in Texas. Therefore the Secretary of State is the agent for service on the non-resident defendant. Margarita Iraheta, A non resident, who can be served by delivering citation at: P.O. Box 3355, Warner Robins, GA 31099-3355 By serving their agent the Secretary Of State Texas, or their designated person pursuant to Texas Admin. Code Section 71.21, Statutory Filings Division, Statutory Documents at 1019 Brazos Street, Earl Rudder Building Austin, TX 78701 by certified mail as authorized under Section 17.091, 17.026(a) of CP&RC**

**Chase Mortgage Company, A Texas Corporation (In Rem Only), whose corporate charter was forfeited on August 25, 1998 for nonpayment of franchise taxes, and upon whom service may be obtained by serving its President, Charles F. Hanger Sr at P.O. Box 208, Mineola, TX 75773-0208 (Awaiting Service);**

**Chase Mortgage Company, The Unknown Shareholders, Successors, And Assigns (In Rem Only), (Address Unknown);**

**Mortgage Electronic Registration Systems, Inc., as nominee for American General Solutions Group, LLC, A Delaware Corporation (In Rem Only), whose home office address is 1595 Spring Hill Rd, #310, Vienna, VA 22182, and who is engaging in business in Texas but has not designated a resident agent for service of process, and upon whom service may be obtained by serving the Texas Secretary of State, its agent for service pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 17.044 and 17.091, at 1019 Brazos St., James Earl Rudder Building, Austin, Texas 78701 (Awaiting Service)**

if unknown, whose location is unknown, and such person's unknown heirs, successors and assigns, whose identity and location are unknown, unknown owners, such unknown owner's heirs, successors and assigns, and any and all other persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the property which is the subject of the delinquent tax claim in this case.

Plaintiff(s) petition is amended pursuant to Rule 62 and 63, Texas Rules of Civil Procedure. Plaintiff(s) do not seek any monetary relief or personal judgment against any defendant identified as **In Rem Only** hereinabove. Plaintiff(s) intend discovery to be conducted under level 2 of Rule 190 of Texas Rules of Civil Procedure. Plaintiff(s) petition is amended to correct defendant(s).

The following taxing unit(s), whether one or more, is joined as a party herein as required by TEX. TAX CODE § 33.44(a) because it may have a claim and lien for delinquent taxes against all or part of the same property described below: **None**. The foregoing named taxing unit(s), if any, is invited to add its claim by intervening herein.

## II.

Claims for all taxes becoming delinquent on said property at any time subsequent to the filing of this suit, up to the day of judgment, including all penalties, interest, attorney's fees, and costs on same, are incorporated in this suit, and Plaintiff(s) is entitled to recover the same, upon proper proof, without further citation or notice. Plaintiff(s) is further entitled to recover each penalty that is incurred and all interest that accrues on all delinquent taxes imposed on the property from the date of judgment to the date of sale.

**III.**

As to each separately described property shown below, there are delinquent taxes, penalties, interest, and costs justly due, owing and unpaid to Plaintiff(s) for the tax years and in the amounts as follows, if paid in May 2007:

**PROPERTY AND AMOUNTS OWED**

**ACCT. NO. 0331290870012; LOT 2 IN BLOCK 87 OF BROOKE-SMITH SECOND ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 11 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.**

**HARRIS COUNTY**

<b>Tax Year(s)</b>	<b>Tax Amount</b>	<b>Penalties and Interest</b>	<b>Total Due</b>
2004	\$313.97	\$213.49	\$527.46
2005	\$785.39	\$219.90	\$1,005.29
2006	\$863.95	\$112.30	\$976.25
<b>TOTALS:</b>	<b>\$1,963.31</b>	<b>\$545.69</b>	<b>\$2,509.00</b>

**CITY OF HOUSTON**

<b>Tax Year(s)</b>	<b>Tax Amount</b>	<b>Penalties and Interest</b>	<b>Total Due</b>
2004	\$315.77	\$214.73	\$530.50
2005	\$786.89	\$220.33	\$1,007.22
2006	\$862.24	\$112.09	\$974.33
<b>TOTALS:</b>	<b>\$1,964.90</b>	<b>\$547.15</b>	<b>\$2,512.05</b>

**HOUSTON INDEPENDENT SCHOOL DISTRICT**

<b>Tax Year(s)</b>	<b>Tax Amount</b>	<b>Penalties and Interest</b>	<b>Total Due</b>
2005	\$1,725.75	\$925.00	\$2,650.75
2006	\$1,751.38	\$227.68	\$1,979.06
<b>TOTALS:</b>	<b>\$3,477.13</b>	<b>\$1,152.68</b>	<b>\$4,629.81</b>

**HOUSTON COMMUNITY COLLEGE SYSTEM**

<b>Tax Year(s)</b>	<b>Tax Amount</b>	<b>Penalties and Interest</b>	<b>Total Due</b>
2004	\$52.45	\$35.67	\$88.12
2005	\$130.93	\$36.66	\$167.59
2006	\$143.13	\$18.61	\$161.74
<b>TOTALS:</b>	<b>\$326.51</b>	<b>\$90.94</b>	<b>\$417.45</b>
<b>TOTAL DUE</b>			<b>\$10,068.31</b>

The total aggregate amount of taxes, penalties, interest, and attorney's fees (if any) for which Plaintiff(s) sues is **\$10,068.31**, subject to additional taxes, penalties, interest, and attorney's fees that accrue subsequent to the filing of this petition.

**IV.**

All of the taxes were authorized by law and legally imposed in the county in which this suit is brought. The taxes were imposed in the amount(s) stated above on each separately described property for each year specified and on each person named, if known, who owned the property on January 1 of the year for which the tax was imposed. Plaintiff(s) now has and asserts a lien on each tract of real property and each item of personal property described herein to secure the payment of all taxes, penalties, interest and costs due. Pursuant to Rule 54 of the Texas Rules of Civil Procedure, Plaintiff(s) affirmatively avers that all things required by law to be done have been done properly by the appropriate officials and all conditions precedent have been met.

**V.**

All of the property described above was, at the time the taxes were assessed, located within the territorial boundaries of each taxing unit in whose behalf this suit is brought. All Defendants named in this suit either owned the property that is the subject of this suit on January 1 of the year in which taxes were imposed on said property, or owned or claimed an interest in or lien upon said property at the time of the filing of this suit. The value of any personal property that may be described above, and against which the tax lien is sought to be enforced, is in excess of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).

**VI.**

The Law Firm represented by the attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of Plaintiff(s). Plaintiff(s) should recover attorney's fees as provided by law for the prosecution of this case, and such attorney's fees should be taxed as costs.

**VII.**

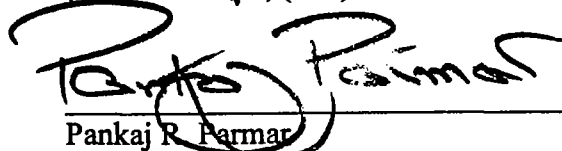
Plaintiff(s) may have incurred certain expenses in the form of abstractor's costs in procuring data and information as to the name, identity and location of necessary parties, and in procuring necessary legal descriptions of the property that is the subject of this suit. Said expenses, if incurred, are reasonable and are in the following amount: \$250.00. The abstractor's costs, if any be shown, should be taxed as costs herein.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff(s) requests that citation be issued and served upon each Defendant named herein, commanding them to appear and answer herein in the time and manner required by law. Plaintiff(s) further prays, upon final hearing in this cause, for foreclosure of its liens against the above-described property securing the total amount of all delinquent taxes, penalties and interest, including taxes, penalties and interest becoming delinquent during the pendency of this suit, costs of court, attorney's fees, abstract fees, and expenses of foreclosure sale. Plaintiff(s) further prays for personal judgment against Defendant(s) who owned the property on January 1 of the year for which the taxes were imposed for all taxes, penalties, interest, and costs that are due or will become due on the property, together with attorney's fees and abstractor's fees. Plaintiff(s) further prays for: (1) the appropriate order of sale requiring the foreclosed property to be sold, free and clear of any right, title or interest owned or held by any of the named Defendants, at public auction in the manner prescribed by law, and (2) writs of execution, directing the sheriffs and constables for the State of Texas, to search out, seize, and sell sufficient property of the Defendant(s) against whom personal judgment may be awarded to satisfy the lawful judgment sought herein. However, Plaintiff(s) do not pray for personal judgment against any defendant(s) identified in paragraph I as IN REM ONLY. Plaintiff(s) pray for costs of court and for such other and further relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

LINEBARGER GOGGAN  
BLAIR & SAMPSON, LLP  
1301 TRAVIS, SUITE 300 (77002)  
P O BOX 3064  
HOUSTON, TX 77253-3064  
(713) 844-3580, (713) 844-3502 - Fax



Pankaj R. Parmar  
State Bar No. 00792098  
Attorneys for Plaintiff(s)

**CERTIFICATE OF SERVICE**

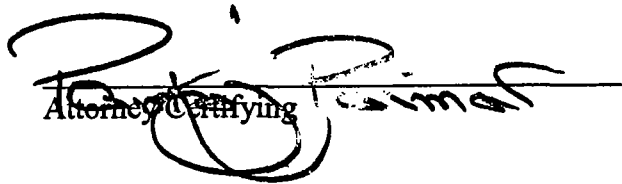
I do hereby certify that a true and correct copy was mailed, faxed or hand-delivered to all opposing counsel and other parties listed below who have made an appearance in this suit pursuant to rule 21(a) T.R.C.P. on the \_\_\_\_\_ day of 10 MAY 2007, 20 \_\_\_\_\_.

Jose De La Cruz Iraheta  
P.O. Box 3355  
Warner Robins, GA 31099-3355

Margarita Iraheta  
P.O. Box 3355  
Warner Robins, GA 31099-3355

Chase Mortgage Company  
A Texas Corporation  
Charles F. Hanger Sr  
President  
P.O. Box 208  
Mineola, TX 75773-0208

Mortgage Electronic Registration Systems, Inc., as nominee for American General Solutions  
Group, LLC  
A Delaware Corporation  
1595 Spring Hill Rd., #310  
Vienna, VA 22182

  
Attorney Certifying



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this \_\_\_\_\_

Certified Document Number: \_\_\_\_\_

LOREN JACKSON, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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