

SUIT NO. 201640880

CYPRESS - FAIRBANKS INDEPENDENT SCHOOL DISTRICT, ET AL	§	IN THE DISTRICT COURT
VS.	§	281ST JUDICIAL DISTRICT
SILVER GRYPHON, LLC, ET AL	§	HARRIS COUNTY, TEXAS

PLAINTIFFS' FIRST AMENDED PETITION

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:

CYPRESS - FAIRBANKS INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY for itself and for the other county wide taxing authorities named herein below, LONE STAR COLLEGE SYSTEM DISTRICT and HARRIS COUNTY EMERGENCY SERVICES DISTRICT # 09

Harris County collects on behalf of itself and certain county-wide taxing authorities which are the Harris County Department of Education, the Port of Houston Authority of Harris County, the Harris County Flood Control District, and the Harris County Hospital District, all of which are included within the references to Harris County made herein.

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:

Silver Gryphon, LLC, A Texas Limited Liability Company, upon whom service may be obtained by serving its Registered Agent, Jerry L. Schutza at 11 Greenway Plaza, Suite 2820, Houston, TX 77046-1114;

Jerry L. Schutza (In Rem Only), 11 Greenway Plaza, Suite 2820, Houston, TX 77046-1114;

Mortgage Electronic Registration Systems, Inc., A Delaware Corporation, (In Rem Only), whose home office address is 1901 E. Voorhees Suite # C, Danville, IL 61834, 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. 17.091, at Citations Unit, 1019 Brazos St., James Earl Rudder Building (78701), P.O. Box 12079, Austin, Texas 78711-2079

if living, and if any or all of the above named Defendant(s) be deceased, the unknown heirs of each or all of the said above named deceased persons; and the unknown owner or owners of the following described property; and the executors, administrators, guardians, legal representatives, devisees or the above named persons; and any and

all other persons, including adverse claimants, owning or having any legal or equitable interest or lien upon the below described property located in the county in which this suit is brought.

If any party is shown at an unknown address, the Defendant(s) include 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: **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT # 113**. 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 **September 2016**:

PROPERTY AND AMOUNTS OWED

ACCT. NO. 1014520000008; Lot (8), In Block (5), Of Enchanted Valley, Section One (1), An Addition In Harris County, Texas, According To The Map Or Plat Thereof Recorded Under Volume 156, Page 101, Of The Map Records Of Harris County, Texas.

CYPRESS - FAIRBANKS INDEPENDENT SCHOOL DISTRICT

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2014	\$1,763.84	\$1,030.08	\$2,793.92
2015	\$1,952.38	\$859.05	\$2,811.43
TOTALS:	\$3,716.22	\$1,889.13	\$5,605.35

HARRIS COUNTY

	Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
	2015	\$861.49	\$379.06	\$1,240.55
TOTALS:		\$861.49	\$379.06	\$1,240.55

HARRIS COUNTY EMERGENCY SERVICES DISTRICT # 09

	Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
	2015	\$74.57	\$32.81	\$107.38
TOTALS:		\$74.57	\$32.81	\$107.38

LONE STAR COLLEGE SYSTEM DISTRICT

	Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
	2015	\$146.29	\$64.37	\$210.66
TOTALS:		\$146.29	\$64.37	\$210.66

TOTAL DUE **\$7,163.94**

The total aggregate amount of taxes, penalties, interest, and attorney's fees (if any) for which Plaintiff(s) sues is **\$7,163.94**, 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: \$275.00. 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
PO Box 3064
Houston, TX 77253-3064
(713) 844-3580, (713) 844-3502 - Fax



Herbert "Trey" A. Stone, III
State Bar No. 24041980
herbert.stone@lgbs.com
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 13 day of September, 2016.

Silver Gryphon, LLC
Jerry L. Schutza
Registered Agent
11 Greenway Plaza, Suite 2820
Houston, TX 77046-1114

Jerry L. Schutza (In Rem Only)
11 Greenway Plaza, Suite 2820
Houston, TX 77046-1114

Mortgage Electronic Registration Systems, Inc. (In Rem Only)
1901 E. Voorhees Suite # C
Danville, IL 61834

Perdue, Brandon, Fielder, Collins & Mott
Attorneys For HC WCID #113
1235 N. Loop West, Suite 600
Houston, TX. 77008
Fax: (713) 862-1429
PBFCM-Houston@pbfc.com



Herbert "Trey" A. Stone, III
State Bar No. 24041980
herbert.stone@lgbs.com
Attorney Certifying