

CAUSE NO. 202140726A

UNITED HEALTHCARE
INSURANCE COMPANY,

Plaintiff,

v.

SIMMONS BANK,

Garnishee.

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IN THE DISTRICT COURT

125TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**ORDER GRANTING APPLICATION FOR
POST-JUDGMENT WRIT OF GARNISHMENT**

Came on to be considered the Application for Post-Judgment Writ of Garnishment (“Application”) filed by Plaintiff United Healthcare Insurance Company (“Plaintiff”) against Garnishee Simmons Bank (“Garnishee”), and the Court, having considered the Application and the supporting Affidavit and exhibits, and otherwise being fully advised, finds that Plaintiff is entitled to issuance of the requested Writ of Garnishment.

FINDINGS OF FACT

The Court makes the following specific findings of fact:

1. On July 7, 2021, Plaintiff filed suit against Judgment Debtor Goliath Roofing and Remodeling LLC (“Judgment Debtor”) in Cause No. 202140726, styled *United Healthcare Insurance Company v. Goliath Roofing and Remodeling LLC*, in the 125th Judicial District Court of Harris County, Texas (the “Underlying Action”) to

recover the unpaid premium balance due by Judgment Debtor pursuant to its group insurance policy with Plaintiff. *See* Ex. A ¶ 2, Ex. A-1.¹

2. As a result of Judgment Debtor's failure to answer or otherwise appear in the Underlying Action, Plaintiff moved for and obtained a default judgment against Judgment Debtor. *See* Ex. A ¶ 3, Ex. A-2. The Court signed and entered the final order granting the motion for default judgment on March 22, 2022. *Id.*

3. As of March 22, 2022, the unpaid judgment amount remains due and owing to Plaintiff by judgment Debtor. *See* Ex. A ¶ 4.

4. Within Plaintiff's knowledge, Judgment Debtor does not possess property in Texas subject to execution that is sufficient to satisfy the above-described debt owed to Plaintiff. *See* Ex. A ¶ 5.

5. Plaintiff has reason to believe, and does believe, that Garnishee is indebted to or possess effects belonging to Judgment Debtor, including but not limited to Simmons Bank Account ending in 5459. *See* Ex. A ¶ 6. Upon information and belief, Judgment Debtor maintains one or more accounts with Garnishee. *Id.*

6. This garnishment action is ancillary to and part of the Underlying Action in which the judgment seeking to be satisfied was entered.

RELIEF GRANTED

IT IS, THEREFORE, ORDERED that the Clerk shall issue a Writ of Garnishment commanding Simmons Bank, as Garnishee, to appear as required by law and answer upon oath what, if anything, Garnishee is indebted to Judgment Debtor, the amount of

¹ All references to Exhibits refer to those in Plaintiff's Application for Post-Judgment Writ of Garnishment.

such indebtedness when the Writ was served, and what effects, if any, of Judgment Debtor that Garnishee possesses or did possess when the Writ was served, and what other persons, if any, within Garnishee's knowledge, are indebted to or have effects of Judgment Debtor. It is further

ORDERED that Garnishee shall immediately freeze the funds in each account for which Judgment Debtor has an interest or signing authority. It is further

ORDERED that the value of property or indebtedness that may be garnished from Garnishee is twenty thousand, seven hundred thirty dollars and ninety-two cents (\$20,730.92), together with reasonable attorneys' fees and costs in the Underlying suit in the amount of two thousand and seven dollars and thirty-one cents (\$2,007.31), plus pre- and post-judgment interest in the amount of nine hundred ninety-one dollars and ten cents (\$991.10), totaling, as of the date of this notice, twenty-three thousand, seven hundred twenty-nine dollars and thirty-three cents (\$23,729.33); the Writ shall further command Garnishee not to pay any debt of Judgment Debtor or deliver any effects to Judgment Debtor pending further order of this Court, without first retaining property in an amount sufficient to satisfy and equal the aforementioned maximum value of property or indebtedness that may be garnished. It is further

ORDERED that pursuant to Tex. R. Civ. P. 664, the Judgment Debtor may replevy garnished property pursuant to the Writ, and in order to do so, it shall file with the officer who levied the Writ a Bond, in conformity with the law, in the amount of \$_____.

SO ORDERED.

SIGNED this _____ day of _____, 2022.

JUDGE PRESIDING

Automated Certificate of eService

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John Yoon on behalf of John Yoon
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Status as of 6/27/2022 9:56 AM CST

Case Contacts

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