

**KANE RUSSELL ▼
COLEMAN LOGAN**

BRIAN W. CLARK
Direct (214) 777-4253
Email bclark@krcl.com

June 13, 2022

Via CM/RRR: 7012.3460.0002.8841.7432 AND

Via U.S. First Class Mail:

Dang "Dan" Pham d/b/a Tire Town
1109 College Avenue
South Houston, Texas 77857

RE: *Evo Merchant Services, LLC vs. JPMorgan Chase Bank, N.A., and Dang "Dan" Pham d/b/a
Tire Town, Cause No. 2022-12411A; In the 157th Judicial District Court, Harris
County, Texas*

Dear Mr. Pham:

Enclosed please find the following documents in referenced to the above matter:

- Plaintiff's Application for Post-Judgment Writ of Garnishment; and
- Writ of Garnishment.

Sincerely,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Brian W. Clark
Brian W. Clark

BWC/dnt
Enclosures

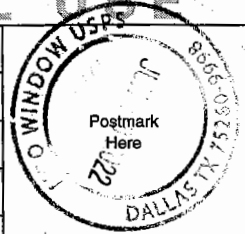
7012 3460 0002 8841 7432

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Postage	\$ 17.40
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Total Postage & Fees	\$ 37.60



Dang "Dan" Pham d/b/a Tire Town
 1109 College Avenue
 South Houston, Texas 77857

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dang "Dan" Pham d/b/a Tire Town
 1109 College Avenue
 South Houston, Texas 77857



9590 9402 6882 1104 7601 79

2. Article Number (Transfer from service label)

7012 3460 0002 8841 7432

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Dan P Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

Dan P

D. Is delivery address different from item 1? Yes
 No

If YES, enter delivery address below:

1109 College Ave
 S. Houston
 # 7140.00023.000

3. Service Type
- Addit Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

CAUSE NO. 2022-12411A-157

EVO MERCHANT SERVICES, LLC	§	IN THE DISTRICT COURT
	§	
Plaintiff in Garnishment	§	
	§	
VS.	§	
	§	
JPMORGAN CHASE BANK, N.A.	§	HARRIS COUNTY, TEXAS
	§	
Garnishee, and	§	
	§	
DANG "DAN" PHAM d/b/a TIRE TOWN,	§	
	§	
Debtor.	§	___th JUDICIAL DISTRICT

PLAINTIFF'S APPLICATION FOR POST-JUDGMENT WRIT OF GARNISHMENT

EVO Merchant Services, LLC ("EVO") files this Application for Post-Judgment Writ of Garnishment and respectfully shows:

I. PARTIES

1. Plaintiff in Garnishment is EVO.
2. Defendant in Garnishment, Dang "Dan" Pham d/b/a Tire Town ("Defendant"), is or was a resident of Texas and may be served at 1109 College Avenue, South Houston, Texas 77857, or wherever else he may be located.
3. Garnishee JPMorgan Chase Bank, N.A. ("Chase") is a New York financial institution. It may be served through its registered agent for service of process, CT Corporation System, at 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

II. RELIEF

4. The amount in controversy is within the jurisdictional limits of this Court. Plaintiff seeks only monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, attorney fees and costs. Tex. R. Civ. P. 47(c).

III. FACTUAL BACKGROUND

5. EVO obtained a valid, subsisting and default judgment against *Defendant* in Cause No. 202212411 on the docket of this Court, styled *EVO Merchant Services, LLC v. Dang "Dan" Pham d/b/a Tire Town*. That judgment is for damages in the sum of \$118,700.65 (the "Judgment"). A true and correct copy of the Judgment is attached as Exhibit "A-1" to the Affidavit of Gerald Lannan which is attached hereto as Exhibit "A" and incorporated herein for all purposes.

6. No payments have been made toward the satisfaction of the Judgment, which remains due and owing. No supersedeas bond has been approved or filed in accordance with the Texas Rules of Appellate Procedure.

7. Within the knowledge of Plaintiff, Defendant does not possess property in Texas subject to execution that is sufficient to satisfy the Judgment.

8. Plaintiff has reason to believe that Chase is indebted to Defendant by reason of holding certain funds of Defendant in accounts that currently have Defendant named as signatory or holder of such account.

9. The garnishment is not sought to injure Chase or the garnishee.

10. EVO is entitled to the issuance of a post-judgment Writ of Garnishment on the grounds stated above and in the Affidavit of Gerald Lannan.

IV. PRAYER

WHEREFORE, Plaintiff respectfully requests that:

- a. A post-judgment Writ of Garnishment be issued and served on Chase;
- b. Defendant be served with copies of the Writ of Garnishment, this Application and the accompanying affidavit;
- c. Plaintiff have judgment against Chase in an amount sufficient to satisfy the Judgment as provided by law, together with all post-judgment interest;
- d. Plaintiff have judgment against Defendant or the above-referenced garnishee for reasonable and necessary attorneys' fees and expenses incurred herein; and

- e. Plaintiff be granted such other and further relief to which it may be justly entitled.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Brian W. Clark
Brian W. Clark
State Bar No. 24032075
E-mail: bclark@krcl.com

901 Main Street
Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4275
Facsimile: (214) 777-4299

ATTORNEYS FOR PLAINTIFF

EXHIBIT

"A"

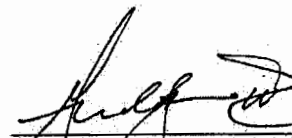
5. Within my knowledge and based on searches run by those under my direction, Defendant does not possess property in the State of Texas subject to execution sufficient to satisfy the remaining amounts owed under the Judgment.

6. The garnishment applied for is not sought with the intent to injure Defendant or the garnishee, JPMorgan Chase Bank, N.A.

7. Upon information and belief, Plaintiff has reason to believe that JPMorgan Chase Bank, N.A. possesses property, including but not limited to monies on deposit, belonging to Defendant.

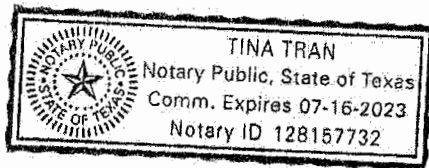
8. Further Affiant sayeth not."

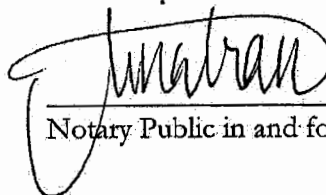
SIGNED this the 24th day of May, 2022.



Gerald Lanzan

SUBSCRIBED and SWORN TO BEFORE ME on the 24th day of May, 2022, to certify which witness my hand and seal of office.





Notary Public in and for the State of Texas

EXHIBIT

"A-1"

CAUSE NO. 202212411

EVO MERCHANT SERVICES, LLC

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

Plaintiff,

v.

HARRIS COUNTY, TEXAS

DANG "DAN" PHAM d/b/a TIRE TOWN,

Defendant.

157th JUDICIAL DISTRICT

**FINAL DEFAULT JUDGMENT
AGAINST DEFENDANT**

On this day came on to be heard the above-entitled and numbered cause by and between Plaintiff EVO Merchant Services, LLC ("Plaintiff") and Defendant Dang "Dan" Pham d/b/a Tire Town ("Defendant"). Plaintiff appeared by and through its attorney of record. Defendant, although having been duly and legally cited to appear and answer, failed to appear and answer and wholly made default. Citation was served according to law and returned to the Clerk where it remained on file for the time required by law. The Court finds that jurisdiction and venue are appropriate in this Court. The Court considered Plaintiff's Motion for Default Judgment (the "Motion"). The Court is of the opinion that the Motion should be, and hereby is, GRANTED.

The Court has read the pleadings and the papers on file and has heard all evidence and, therefore, finds that Defendant is indebted to Plaintiff for the sum of \$118,700.65, as well as pre-judgment interest of \$813.00, and that Plaintiff should recover reasonable and necessary attorneys' fees which the Court finds to be \$3,814.50, and costs of court in the amount of \$535.67. It is, therefore,

ORDERED that Plaintiff recover judgment against Defendant for the principal sum of \$123,863.82, plus post-judgment interest on all such sums at the rate of 5% per annum from the date of judgment until paid. It is, further,

ORDERED that, Plaintiff shall recover an additional \$10,000 in the event an unsuccessful appeal to the Court of Appeals of Texas is filed, an additional \$5,000 in the event application be made for writ of error or petition for review filed with the Supreme Court of Texas, and an additional \$5,000 in the event such application be granted. It is, further,

ORDERED that Plaintiff is allowed all writs and processes as may be necessary in the enforcement and collection of this judgment. It is, further,

ORDERED that all relief not specifically granted herein is denied.

Signed this _____ day of April, 2022.

Signed:
5/11/2022



JUDGE PRESIDING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Dora Torres on behalf of Brian Clark
Bar No. 24032075
DTorres@krcl.com
Envelope ID: 63706831
Status as of 4/19/2022 4:58 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Dora Torres		dtorres@krcl.com	4/19/2022 4:44:53 PM	SENT
Brian Clark		bclark@krcl.com	4/19/2022 4:44:53 PM	SENT

CAUSE NO: 202212411A

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NUMBER: 927616 TRACKING NUMBER: 74011993 DEL TO:

PLAINTIFF: EVO MERCHANT SERVICES LLC

In the 157th
Judicial District Court of
Harris County, Texas

Vs.

DEFENDANT: JPMORGAN CHASE BANK N A

WRIT OF GARNISHMENT BEFORE JUDGMENT

STATE OF TEXAS

TO: JPMORGAN CHASE BANK N A MAY BE SERVED BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM, GARNISHEE...

1999 BRYAN ST STE 900
DALLAS TX 75201

GREETINGS:

Whereas in the 157th District Court, of Harris County, Texas, In Cause No. 2022-12411 wherein EVO MERCHANT SERVICES LLC is Plaintiff(s), and PHAM, DANG "DAN" (D/B/A TIRE TOWN) is Defendant(s), the Plaintiff(s), EVO MERCHANT SERVICES LLC, claiming an indebtedness against defendant(s) JPMORGAN CHASE BANK N A in the amount of \$ 123,863.82 Dollars, plus interest and cost of suit, applied for a Writ of Garnishment against you, the said garnishee;

THEREFORE YOU ARE HEREBY COMMANDED to file a sworn written answer on or before ten o'clock A.M., on the Monday next following expiration of Twenty days from the date of service hereof. Then and there to answer upon oath what, if anything, you are indebted to the said defendant and were, when this Writ was served upon you; and

1. What effects, if any of the said defendant you had in your possession when this Writ was served or you have received prior to the answer date.

2. What other persons, if any, within your knowledge, are indebted to the said defendant, or have effects belonging to said defendant in their possession.

YOU ARE FURTHER COMMANDED not to pay to defendant any debt or to deliver to him any effects pending further order of this court.

TO DEFENDANT(S): PHAM, DANG "DAN" (D/B/A TIRE TOWN)

Your money or property has been frozen or seized (“garnished”) because EVO MERCHANT SERVICES LLC (the “Garnishor”) has filed a garnishment proceeding. That means they are trying to get your money or property from JPMORGAN CHASE BANK N A (the “Garnishee”), the company or person who has it, to pay a debt you owe. / *Su dinero o propiedad le han sido inmovilizados o incautados (“embargados”) porque EVO MERCHANT SERVICES LLC, (el “Embargante”), ha entablado ante tribunales un auto procesal de embargo con la intención de obtener su dinero o propiedad de JPMORGAN CHASE BANK N A, (el “Embargado”), que es la compañía o persona física que los tiene, y como pago de lo que usted le adeuda.*

If you are an individual (not a company), your money or property may be protected (“exempt”) from garnishment under federal or state law. Under Texas Rule of Civil Procedure 679b, the Garnishor must send you in the next few days a “Notice of Protected Property Rights” approved by the Supreme Court. Read that notice carefully for more information on what property can be protected and how to get your protected money or property back. You can ask the court to get your money or property back by turning in (“filing”) the “Protected Property Claim Form” that will be sent with the Notice of Protected Property Rights. / ***Sí usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos (“eximidos”) de ser embargados de acuerdo a lo dispuesto en las leyes federales o estatales. Bajo la Norma de Derecho Procesal Civil Número 679b, el Embargante debe enviarle en los próximos días una “Notificación Sobre Derechos de Propiedad Protegida” aprobada por el Tribunal Supremo de Justicia. Lea con cuidado esta notificación para que obtenga mayor información sobre qué dinero y propiedades están protegidos y cómo recuperarlos. Puede solicitar que se le regresen sus propiedades y dinero que están protegidos entregando (“presentando”) ante el tribunal el “Formulario de Reclamo de Propiedad Protegida” que le será enviado junto con la “Notificación Sobre Derechos de Propiedad Protegida”.***

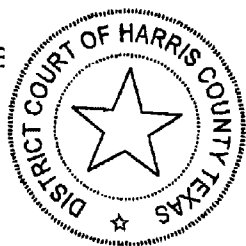
You may also file a “motion to dissolve” or “motion to modify” this writ of garnishment with the court because your money or property is exempt from garnishment. You can also get your money back if you file a “replevy bond,” which is cash or other security in an amount set by the court. / *Usted también pudiera presentar por escrito una “petición de disolución” o “petición de modificación” de este auto procesal de embargo, ya que su dinero y propiedad están exentos de dicho embargo. También puede recuperar su dinero si presenta ante tribunales una “fianza reivindicatoria”, la cual es una garantía en efectivo o con fiador en una cantidad impuesta por el tribunal.*

You can find out more about exemptions and the garnishment process by visiting www.texaslawhelp.org/exempt-property. / *Obtenga mayor información sobre las exenciones y el proceso judicial de embargo, visitando el sitiowww.texaslawhelp.org/exempt-property.*

You are encouraged to get a lawyer to help you. **For information on free and low-cost legal services**, visit www.texascourts.gov/programs-services/legal-aid or call the legal aid offices that serve your area: Texas RioGrande Legal Aid at (888) 988-9996, Lone Star Legal Aid at (800) 733-8394, and Legal Aid of Northwest Texas at (888) 529-5277. You can also call the State Bar of Texas at (800) 252-9690. / *Se le recomienda que consiga a un abogado que le ayude. Para información sobre cómo obtener servicios de asesoría legal gratuitos o a un bajo costo, visite el sitio www.texascourts.gov/programs-services/legal-aid o llame a la oficina de asistencia legal que presta servicios en su área: Texas RioGrande Legal Aid al (888) 988-9996; Lone Star Legal Aid al (800) 733-8394; y Legal Aid of Northwest Texas at (888) 529-5277. También puede llamar al Servicio de Información de Abogados en el Colegio de Abogados de Texas al (800) 252-9690.*

ISSUED AND SIGNED on 6/1/2022.

Issued at request of: CLARK, E
1601 ELM #3700
Clerk
DALLAS, TX 75201
Texas
214-777-4200
77002
Bar No: 24032075



Marilyn Burgess

Marilyn Burgess, District

Harris County,

201 Caroline, Houston, TX

**Generated By: BRITTANY
HALL**

Tracking Number: 74011993

CAUSE NUMBER: 202212411A

PLAINTIFF: EVO MERCHANT SERVICES LLC

In the 157th

Vs.

Judicial District Court

of

DEFENDANT: JPMORGAN CHASE BANK N A Harris County, Texas

OFFICER'S / AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20____, at _____
o'clock ____M., and executed in _____ County, Texas, by delivering to the within
named _____
in person, a copy of this Writ, having first endorsed thereon the date of delivery, together with
the accompanying true and correct copy of Judge's Order, on the _____ day of
_____, 20____, at _____ o'clock ____ M., at
_____, place of service.

NOT EXECUTED FOR THE FOLLOWING REASONS: _____

Returned: _____, 20 _____

Fees: \$ _____

By: _____

_____ of

_____ County, Texas

SWORN TO AND SUBSCRIBED BEFORE ME, this _____ day of _____, 20____.

Notary Public

KANE RUSSELL 
COLEMAN LOGAN

BRIAN W. CLARK
Direct (214) 777-4253
Email bclark@krcl.com

June 20, 2022

Via CM/RRR: 7012.3460.0002.8841.7487 AND

Via U.S. First Class Mail:

Dang “Dan” Pham d/b/a Tire Town
1109 College Avenue
South Houston, Texas 77857

RE: *Evo Merchant Services, LLC vs. JPMorgan Chase Bank, N.A., and Dang “Dan” Pham d/b/a Tire Town*, Cause No. 2022-12411A; In the 157th Judicial District Court, Harris County, Texas

Dear Mr. Pham:

Enclosed please find the following documents in referenced to the above matter:

- Notice of Garnishment after Judgment (Debtor).

Sincerely,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Brian W. Clark

Brian W. Clark

BWC/dnt
Enclosure

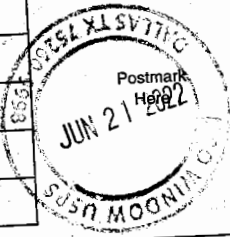
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7012 3460 0002 8841 7487

Postage	\$ 73
Certified Fee	3.15
Return Receipt Fee (Endorsement Required)	3.05
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.53



Dang "Dan" Pham d/b/a Tire Town
 1109 College Avenue
 South Houston, Texas 77857

for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dang "Dan" Pham d/b/a Tire Town
 1109 College Avenue
 South Houston, Texas 77857



9590 9402 6882 1104 7601 62

2. Article Number (Transfer from service label)

7012 3460 0002 8841 7487

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Route 11 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

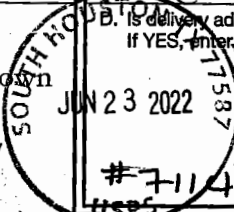
B. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Same

#71140.00023.000

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



CAUSE NO: 202212411A

RECEIPT NO: 969308

COPY OF PLEADING PROVIDED BY PLT

TR # 74018096

PLAINTIFF: EVO MERCHANT SERVICES LLC	In The 157th
vs.	Judicial District Court
DEFENDANT: JPMORGAN CHASE BANK N A	of Harris County, Texas

NOTICE OF GARNISHMENT AFTER JUDGMENT (DEBTOR)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: THE SHERIFF OR ANY CONSTABLE OF TEXAS

YOU ARE HEREBY COMMANDED TO SERVE:
PHAM, DANG "DAN" (D/B/A TIRE TOWN)
1109 COLLEGE AVENUE
SOUTH HOUSTON TX 77857

WHO RESIDES IN THE COUNTY OF, IN THE STATE OF TEXAS, WITH THE ACCOMPANYING CERTIFIED COPY OF PLAINTIFFS APPLICATION FOR POST-JUDGMENT WRIT OF GARNISHMENT.

TO: JPMORGAN CHASE BANK N A, DEFENDANT

Your money or property has been frozen or seized ("garnished") because EVO MERCHANT SERVICES LLC (the "Garnishor") has filed a garnishment proceeding. That means they are trying to get your money or property from JPMORGAN CHASE BANK N A (the "Garnishee"), the company or person who has it, to pay a debt you owe. / *Su dinero o propiedad le han sido inmovilizados o incautados ("embargados") porque EVO MERCHANT SERVICES LLC, (el "Embargante"), ha entablado ante tribunales un auto procesal de embargo con la intención de obtener su dinero o propiedad de JPMORGAN CHASE BANK N A, (el "Embargado"), que es la compañía o persona física que los tiene, y como pago de lo que usted le adeuda.*

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tribunal el “Formulario de Reclamo de Propiedad Protegida” que le será enviado junto con la “Notificación Sobre Derechos de Propiedad Protegida”.

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ISSUED AND SIGNED on June 17, 2022.

Issued at request of:
CLARK, BRIAN WADE
1601 ELM #3700
DALLAS, TX 75201
214-777-4200



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Bar Number: 24032075

Generated By: BRITTANY HALL

CAUSE NUMBER: 202212411A

PLAINTIFF: EVO MERCHANT SERVICES LLC

In the 157th

vs.

Judicial District Court of

DEFENDANT: JPMORGAN CHASE BANK N A

Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock __.M., on the _____ day of _____, 20__.

Executed at (address) _____ in _____ County at _____ o'clock __.M., on the _____ day of _____, 20__, by delivery to the within named _____ the accompanying.

To certify which I affix my hand officially the _____ day of _____, 20__.

Fees: \$ _____ of _____ County, Texas

Affiant

By: _____
Deputy

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Dora Torres on behalf of Brian Clark
Bar No. 24032075
DTorres@krcl.com
Envelope ID: 65852035
Status as of 6/28/2022 3:47 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Brian Clark		bclark@krcl.com	6/28/2022 2:57:12 PM	SENT
DORA TORRES		dtorres@krcl.com	6/28/2022 2:57:12 PM	SENT
Truman E. Spring	18966550	tspring@springlawfirm.com	6/28/2022 2:57:12 PM	SENT