

CAUSE NO. 2019-35555C

ASCENTION CAPITAL, LLC,  
  
Judgment Creditor,

v.

TRANSCARE, LLC and MINELLA  
ALEXANDER,  
  
Judgment Debtor(s),

v.

WELLS FARGO BANK, N.A.,  
  
Garnishee.

IN THE DISTRICT COURT

80<sup>TH</sup> JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

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**WELLS FARGO BANK, N.A.'S ORIGINAL ANSWER TO WRIT OF GARNISHMENT  
AND REQUEST FOR AWARD OF COSTS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW Wells Fargo Bank, N.A., Garnishee in the above-captioned cause, files this Original Answer to the Writ of Garnishment issued on July 28, 2022, and Request for an Award of its Rule 677 costs, and would respectfully show the Court as follows.

1. The Writ was served on Garnishee on August 2, 2022, by delivery to Garnishee's registered agent in Austin, Texas.
2. At the time the Writ was served on it, Garnishee was indebted to Transcare, LLC and Minella Alexander Judgment –debtor(s), in the following amounts:

<u>Account No.</u>	<u>Amount<sup>1</sup></u>
Xxx1811	\$1,246.16

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<sup>1</sup> This answer is filed as soon as possible. As a result, there may be additional deposits that come in post-answer but pre-judgment. Amounts are adjusted in the agreed judgments to reflect and account for any post-answer changes.

3. At the time the Writ was served on it, Garnishee was not in possession of any other effects belonging to Defendant(s).

4. As of the date of this Original Answer to Writ of Garnishment, Garnishee is indebted to Judgment-debtor(s) in the sum of One Thousand Two Hundred Forty-Six and 16/100 (\$1,246.16).

5. As of the date of this Original Answer to Writ of Garnishment, Garnishee is not in possession of any other effects belonging to Defendant(s).

6. Garnishee does not have any knowledge of any other person who is indebted to or has possession of any other effects belonging to Defendant(s).

7. As a result of the service of the Writ of Garnishment, it has been necessary for Garnishee to employ the undersigned attorneys to answer the Writ herein and to otherwise represent it. Under Tex. R. Civ. P. 677, Garnishee is entitled to recover its costs and a reasonable attorney's fee, and submits that a sum of at least \$750.00 would be a reasonable attorney's fee. If the debtor or other party disputes this Answer, reasonable additional fees are requested in the amount of \$250.00 per hour. In the event of an appeal to the court of appeals, Garnishee would be further entitled to \$2,500.00 as a reasonable attorney's fee. In the event of the filing of a petition for review to the Texas Supreme Court, Garnishee would be entitled to an additional \$1,500.00. Should the petition be granted, Garnishee would be entitled to an additional \$2,500.00 as a reasonable attorney's fee.

8. To the extent the foregoing is insufficient; the Garnishee Bank generally denies each and every allegation set forth on the pleadings as allowed under the Tex. R. Civ. P.

WHEREFORE, Wells Fargo Bank, N.A. holds the sum(s) above, pending the disposition of this cause, and respectfully requests that, on final hearing of this cause, the following relief:

9. That all claims to such sum be determined and adjudicated, and that Garnishee be discharged from all liability to Plaintiff and Defendant(s) respecting same.

10. That Garnishee recover against Plaintiff or Defendant(s), as provided in Tex. R. Civ. P. 677, its costs and expenses, including a reasonable attorney's fee in a total amount of at least Seven Hundred- Fifty and No/100 Dollars (\$750.00).

11. For such other and further relief, general or special, at law or equity, to which Garnishee may show itself justly entitled.

Respectfully submitted,

**QUINTAIROS, PRIETO, WOOD & BOYER, P.A.**

By: /s/ Brent W. Martinelli  
**BRENT W. MARTINELLI**  
State Bar No. 24037037  
brent.martinelli@qpwblaw.com

1700 Pacific Avenue, Suite 4545  
Dallas Texas 75201  
Telephone: 214-754-8755  
Facsimile: 214-754-8744

Counsel for Wells Fargo Bank, N.A.

**CERTIFICATE OF SERVICE**

I certify that on August 5, 2022, I served a true and correct copy of the foregoing pleading by e-filing or electronic mail on the following counsel of record:

Jared A. Rougeau  
Rebecca L. Brown  
Wright Law Group, PLLC  
12333 Sowden Rd., Ste. B, PMB #84356  
Houston, Texas 77080-2059  
jar@replevin.com  
rlb@replevin.com  
txcases@replevinlawfirm.com

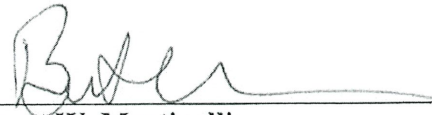
/s/ Brent W. Martinelli  
**BRENT W. MARTINELLI**

STATE OF TEXAS

COUNTY OF DALLAS

VERIFICATION

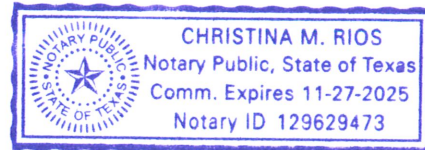
My name is Brent W. Martinelli. I am attorney of record for Wells Fargo Bank, N.A., herein named Garnishee. I have read the foregoing Original Answer to Writ of Garnishment as counsel for the Bank. Based upon my personal research of the Bank's records concerning this matter, I can attest that all factual statements contained in this Answer are based upon my personal knowledge from such records, and such statements are true and correct.

  
Brent W. Martinelli

5<sup>th</sup> SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, on this the 5<sup>th</sup> day of August, 2022, to certify which witness my hand and official seal.

  
Notary Public

My Commission Expires: 11/27/25



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#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Brent Martinelli		brent.martinelli@qpwbllaw.com	8/5/2022 11:41:28 AM	SENT
Jared Rougeau		txcases@replevinlawfirm.com	8/5/2022 11:41:28 AM	SENT
Rebecca Brown	24087223	rlb@replevin.com	8/5/2022 11:41:28 AM	SENT
Jared Rougeau	24093076	jar@replevin.com	8/5/2022 11:41:28 AM	SENT