CAUSE NO. 2022-38620A

FENIX CAPITAL FUNDING, LLC,	§	IN THE DISTRICT COURT
	§	
Judgment Creditor,	§	
	§	
v.	§	
	8	07
HUGHES BOY TRUCKING, LLC DBA:	§	281 ST JUDICIAL DISTRICT
HUGHES BOY TRUCKING, LLC and	§	
CORY HUGHES,	§	
***************************************	8	
Judgment Debtor(s),	8	
6	8	
v.	§	
	8	
WELLS FARGO BANK, N.A.,	8	
	8	
	8	
Garnishee.	§	HARRIS COUNTY, TEXAS

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 18, 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 Hughes Boy Trucking, LLC d/b/a Hughes Boy Trucking, LLC and Cory Hughes Judgment –debtor(s), in the following amounts:

Account No.	Amount ¹		
Xxx6244	\$57.00	(Cory Hughes)	

¹ 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.

Xxx5276	\$1,585.78	(Cory Hughes)
Xxx7987	\$0.00	(Hughes Boy Trucking)
Xxx8929	-\$10.00	(Hughes Boy Trucking)
Xxx9847	-\$402.79	(Cory Hughes)

- 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 sums as set forth above.
- 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).
- 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/10° 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,

OUINTAIROS, PRIETO, WOOD & BOYER, P.A.

By:

/s/ Brent W. Martinelli

BRENT W. MARTINELLI

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Counsel for Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I certify that on August 22, 2022, I served a true and correct copy of the foregoing pleading by e-filing or electronic mail on the following counsel of record:

Anh H. Regent Regent & Associates, LLP 500 Lovett Blvd., Suite 225 Houston, TX 770056 aregent@regentlawfirm.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

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

LETICIA ORTEGA
Notary ID #6198955
My Commission Expires
May 5, 2024

My Commission Expires:

May 5,2024

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Case Contacts

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