

CAUSE NO. _____

HUNTER-KELSEY II, LLC
Plaintiff(s),

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IN THE DISTRICT COURT

VS.

_____ **JUDICIAL DISTRICT**

BYRON FOREMAN, ET AL
Defendant(s).

HARRIS COUNTY, TEXAS

ORIGINAL PETITION

COMES NOW, Hunter-Kelsey II, LLC (“Plaintiff”), and brings this suit for foreclosure of real property and would show the Court the following:

1. Plaintiff intends discovery to be conducted in this case under Level 2, Rule 190, Texas Rules of Civil Procedure.

2. The following are named as Defendant(s) in this suit and may be served with notice of these claims by service of citation ad the address and in the manner shown as follows:

- i) **Byron Foreman, at 21607 Tribby Way, Humble, TX 77338**, or at any other location he/she/it may be found (Service Requested);
- ii) **Christian Consultants of Texas, LLC (in rem only), at c/o Kevin L. Pawlowski, Registered Agent, 222 Wedgewood Dr., Montgomery, TX 77356**, or at any other location he/she/it may be found (Service Requested);
- iii) **MEMORIAL CREDIT UNION (in rem only), at c/o Thomas E. Rogers, President, 7789 Southwest Fwy # 175 (Medical Plaza 4), Houston, TX 77074-1831**, or at any other location he/she/it may be found (Service Requested); and
- iv) **HOUSTON TEXAS FIRE FIGHTERS FEDERAL CREDIT UNION (in rem only), at c/o Steve Gilman, President and CEO, 4200 Kolb St., Houston, Texas 77007 (mailing address: P.O. Box 70009, Houston, TX 77270)**, or at any other location he/she/it may be found (Service Requested);

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.

3. 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.

4. A debt is justly due, owing and unpaid to Plaintiffs that encumbers the property described below ("Subject Property"):

Street Address: 6810 Heath Street, Houston, TX 77016;

Tax Account No(s): 102505000000;

Legal Description: Lot Five (5) in Block Fifty Four (54) of Northwood Manor, Section Six (6), an Addition in Harris County, Texas, according to the Map or Plat thereof recorded in Volume 165, Page 126, of the Map Records of Harris County, Texas; together with all improvements thereon situated.

5. Byron Foreman executed a Promissory Note dated July 28, 2016, made in the principal amount of \$29,282.06, payable to Hunter-Kelsey II, LLC and secured by the Subject Property ("Note"). Byron Foreman executed the Promissory Note as the owner of the Subject Property. To secure payment of the Note, Byron Foreman executed a Deed of Trust dated July 28, 2016 and recorded as Document/Instrument No(s). RP-2016-334799, in the Official Public Records of Harris County, Texas ("Deed of Trust"). The Deed of Trust provides for a power of sale and foreclosure of lien(s) against the Subject Property.

6. Defendant(s) has defaulted under the Note and Deed of Trust.

7. Plaintiff seeks personal judgment against the Defendant(s) and foreclosure against the Subject Property, pursuant to Chapter 51 of the Texas Property Code and other supporting law, for the aforementioned lien(s), securing repayment of the Promissory Note.

8. Pursuant to Tex R. Civ. P. 54, Plaintiff 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.

9. The law firm represented by the attorney whose name is signed hereto is legally authorized and empowered to prosecute this suit on behalf of Plaintiff.

10. Plaintiff has found it necessary to employ an attorney herein and asks to be awarded reasonable and necessary attorney's fees as authorized by the Note, the Deed of Trust and other applicable law.

11. Plaintiff has incurred certain expenses such as 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 are reasonable and should be taxed as costs herein.

12. Plaintiff makes a claim for post judgment interest pursuant to TEX. FINANCE CODE § 304.002, which states:

A money judgment of a court of this state on a contract that provides for interest or time price differential earns post judgment interest at a rate equal to the lesser of:

- (1) the rate specified in the contract, which may be a variable rate; or
- (2) 18 percent a year.

The contracted interest rate from the Note is 17.989%.

13. **DESIGNATION OF EXPERTS**: Plaintiff designates Brian S. Bellamy, Dylan Schultz, Lindsey Rusler and Nikolaos P. Stavros of Stavros, Rusler, Bellamy & Schultz, PLLC as experts who may testify as to the reasonableness and necessity of attorneys' fees incurred in this case. The aforementioned experts may also rebut any evidence offered by adverse parties claiming attorneys' fees.

14. **REQUEST FOR DISCLOSURES**: Plaintiffs hereby request Defendants and any Intervenor to disclose to Plaintiff within 50 days of service of this request, the information and material described in Tex. R. Civ. P. 194.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff 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 further prays, upon final hearing in this cause, for foreclosure of its liens against the above-described Subject Property, securing the total amount of principal, interest, contracted for fees and costs, costs of court, attorney's fees, abstract fees, and expenses for foreclosure of sale. Plaintiff further prays for the appropriate order of sale, if necessary, 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 described by law. Plaintiff prays for costs of court and for such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

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