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Marilyn Burgess - District Clerk Harris County
Envelope No. 73528354
By: Christopher Matthews
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#### CAUSE NO. 2022-33770

CITY OF BAYTOWN	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, T E X A S
	§	
MARIE TRIGO	§	334th JUDICIAL DISTRICT

#### **PLAINTIFF'S FIRST AMENDED PETITION**

THE CITY OF BAYTOWN (hereinafter called "Plaintiff"), a municipal corporation situated in Harris and Chambers Counties, Texas, and incorporated, organized, and operating under and by virtue of the laws of the State of Texas and its home rule charter, brings this claim for taxes, penalty, interest, costs, and attorney fees or statutory collection costs and in support of its claim states:

Any discovery conducted in this cause shall be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedures.

1. The Defendant(s) are:

MARIE TRIGO, whom service is not necessary at this time,

GFF TEXAS HOLDINGS, LLC, who may be served by serving its Registered Agent, COOK LEGAL GROUP at 12505 Memorial Dr. #330, Houston, Texas 77024,

GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT and LEE COLLEGE, and HARRIS COUNTY, HARRIS COUNTY HOSPITAL DISTRICT, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, and HARRIS COUNTY FLOOD CONTROL DISTRICT (hereinafter referred to as "Harris County"), and the unknown owners, if any, of the property hereinafter described whose names and residences are unknown, and any and all other persons, including all adverse claimants owning or having or claiming any legal or equitable interest, or lien upon the hereinafter described property, who owned or claimed some interest in the hereinafter described property on January 1st of the year for which the taxes was imposed or who own, or claim some interest in the hereinafter described property at the time of the filing of this suit.

- Attached and made a part of this pleading for all purposes is Exhibit "A." Each lot, block, tract, or item(s) of personal property described in Exhibit "A" was owned on the first day of January of the respective year or years shown by each of the respective party or parties named in Exhibit "A." Each of the said lots, blocks, tracts or item(s) of personal property was separately rendered by or assessed to the person shown in Exhibit "A." All of the described property is situated within the boundaries of the City of Baytown in Harris County, and the taxes for each of the years shown were levied and assessed against each of the respective owner or owners shown and each of the lots, blocks, tracts, or item(s) of personal property shown. The taxes were imposed in Harris County, the county in which this suit is filed. The taxes for each of the years shown are due, owing, unpaid, and delinquent, together with penalty, interest, collection penalty or attorneys' fees, and costs, as provided by law in the total sum as set forth on attached Exhibit "A." Each of the said Defendants is justly indebted to Plaintiff for said amount of taxes, interest, penalty, collection penalty or attorneys' fees, and costs, and although payment has been legally demanded from the Defendants, they have failed and refused, and still fail and refuse to pay the same or any part thereof to Plaintiff.
- 3. All of the foregoing taxes were authorized by law; and Plaintiff was legally constituted and authorized to levy, assess, impose and collect ad valorem taxes on property; and all of the foregoing taxes were duly and legally levied and assessed against the property and the owners thereof (if known), and Plaintiff now has and asserts a lien on each separate property described above to secure the payment of all taxes, interest, penalties, officer's fees, if any, collection penalty or attorney's fees and costs due thereon. All things required by law to be done have been duly and legally performed by the proper officials, and notice of the delinquency was mailed to the owner as required by law.

- 4. All parties to this suit, including Plaintiff, Defendants and Intervenors, if any, shall take notice that claims not only for any taxes which were delinquent on said property at the time suit was filed, but all taxes becoming delinquent thereon at any time thereafter, and in addition to all delinquent taxes, all other taxes, interest and penalties which become payable, prorated through and including the date of judgment, including all interest, penalties, officer's fees, if any, and costs allowed by law thereon, may upon request therefore be recovered herein without further citation or notice to any parties herein; and all of said parties shall take notice of and plead and answer to all claims and pleadings now on file and which may hereafter be filed in the cause by all other parties hereto who may intervene herein and set up their respective tax claim against said property.
- 5. The attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of Plaintiff; and Plaintiff should recover reasonable attorney's fees for the preparation, filing and handling of this suit, for which Plaintiff is entitled to recover, as provided by law. Plaintiff has incurred expenses in the sum of \$150.00 for each tract listed above in procuring data and information as to the name, identity and location of the necessary parties and in procuring legal descriptions of the above listed property. Such expenses are reasonable and necessary to the prosecution of this suit.

THEREFORE, Plaintiff prays upon the final hearing hereof it have personal judgment against each of the respective Defendant owners of each lot, block, tract or item(s) of personal property described herein for the respective years as shown by Exhibit "A" and such other and further penalty and interest that may have accrued and be due and payable at the time judgment is rendered herein; that Plaintiff recover from all Defendants, all court costs, and expenses of foreclosure, penalty for collection costs as provided by Texas Tax Code §33.07 or reasonable attorneys' fees for those years not subject to collection penalties, and reasonable expenses in procuring data and information as to the identity and location of the necessary parties and the necessary legal description of the property; that the judgment include a decree establishing Plaintiff's lien or liens as superior to all other liens and judgments existing against the property herein described, and foreclosing said Plaintiff's lien or liens on each lot, block, tract or item(s) of personal property described in Exhibit "A", for the full amount of taxes, interest, penalty, collection penalty and/or attorney's fees, and court cost due on each respective lot, block, tract, or item(s) of personal property; that the Plaintiffs and Intervenors that are taxing units have judgment in such amount as may be established by their petitions and pleadings plus judgment interest in the maximum amount allowed by law; that the Court incorporate in its judgment a finding of the reasonable fair value, in bulk or in parcel, of the property described in Exhibit "A"; for an order of sale as provided by law; that the net proceeds of such sale be distributed to all taxing units who are party hereto and who may intervene herein pro rata and in proportion to the amount of their respective tax liens as may be established herein as provided by law, for writ of possession in behalf of the purchaser or purchasers thereunder as provided by law and for such other and further relief, general and special, to what Plaintiff may be entitled.

Respectfully submitted,

ATTORNEY FOR CITY OF BAYTOWN

Randall B. Strong Bar No. 19416500

407 W. Baker Rd., Suite Z Baytown, Texas 77521

(281) 428-2200

(281) 427-0864 (facsimile)

randy.strong@randallbstrong.com

### CERTIFICATE OF SERVICE

"I certify that a true and correct copy of the foregoing instrument has been sent by the United States Postal Service, regular mail or by certified mail, return receipt requested, to the following on this the 8<sup>th</sup> of March, 2023."

Linebarger, Goggan, Blair & Sampson, L.L.P. P.O. Box 3064 Houston, Texas 77253 Attorneys for Harris County

Reid, Strickland & Gillette, L.L.P. P.O. Box 809 Baytown, Texas 77522-0809 Attorneys for GCCISD & Lee College

Randall B. Strong

# **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.

Lori Kaiser on behalf of Randall Strong Bar No. 19416500 lori.kaiser@randallbstrong.com Envelope ID: 73528354

Status as of 3/10/2023 7:14 AM CST

## **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
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Erica Ochoa		erica.ochoa@lgbs.com	3/9/2023 4:51:39 PM	SENT