

CAUSE NO. 2022-81248

MIDFIRST BANK,	§	IN THE DISTRICT COURT OF
	§	
PLAINTIFF,	§	
	§	
	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
HEALTHSOURCE HOME CARE,	§	
INCORPORATED, URAIWAN	§	
PINWATANA TESFAYE, AND	§	
TEKLE TESFAYE,	§	
	§	
DEFENDANTS.	§	133RD JUDICIAL DISTRICT

**PLAINTIFF’S MOTION FOR NO-ANSWER DEFAULT JUDGMENT**

Plaintiff MidFirst Bank (“Plaintiff” or “Lender”) files this Motion for No-Answer Default Judgment (this “Motion”) against Healthsource Home Care, Incorporated (“Borrower” or “Healthsource”) and Uraiwan Pinwatana Tesfaye and Tekle Tesfaye (“Guarantors, and together with Borrower, the “Defendants”) and respectfully show the Court as follows:

**FACTS**

1. On December 15, 2022, filed its Original Petition against Defendants.
2. Attached to this Motion as Exhibit 1 is a true and correct copy of the Citation with Affidavit of Service stating that Defendant Tekle Tesfaye was served on January 16, 2023.
3. Attached to this Motion as Exhibit 2 is a true and correct copy of the Citation with Affidavit of Service stating that Defendant Uraiwan Pinwatana Tesfaye was served on January 26, 2023.
4. Attached to this Motion as Exhibit 3 is a true and correct copy of the Citation with Affidavit of Service stating that Defendant Healthsource was served on January 26, 2023.

5. Exhibits 1, 2, and 3 show that the returns of service have been on file with the Clerk of the Court for at least ten (10) days prior to the filing of this Motion.

6. The deadline for Defendant Tekle Tesfaye to file an answer or otherwise appear in this suit was February 6, 2023. Defendant Tekle Tesfaye has not filed an answer or any other pleading in this case.

7. The deadline for Defendant Uraiwan Pinwatana Tesfaye to file an answer or otherwise appear in this suit was February 21, 2023. Defendant Uraiwan Pinwatana Tesfaye has not filed an answer or any other pleading in this case.

8. The deadline for Defendant Healthsource to file an answer or otherwise appear in this suit was February 21, 2023. Defendant Healthsource has not filed an answer or any other pleading in this case.

9. Attached as Exhibit 4 to this Motion is a Certificate of Last Known Address regarding Defendants.

10. Attached as Exhibit 5 to this Motion is an affidavit regarding Defendants Tekle Tesfaye's and Uraiwan Pinwatana Tesfaye's non-military status.

11. The damages in Plaintiff's Original Petition are liquidated, proven by Plaintiff's affidavit and written instruments attached thereto and to Exhibit 6 to this Motion, and may be accurately calculated; therefore, no evidentiary hearing is necessary to establish the amount of damages. In the usual course of its business, Plaintiff made a loan to Defendant Healthsource in the principal amount of \$100,000 (the "Loan"). Defendants Tekle Tesfaye and Uraiwan Pinwatana Tesfaye personally and unconditionally guaranteed the Loan.

12. Defendants defaulted on the Loan and failed to pay the Loan upon notice and demand by Plaintiff. As a result, Plaintiff has incurred damages in an amount not less than

\$100,000.00 in unpaid principal, plus \$7,983.99 in accrued and unpaid interest and \$299.55 in late charges, for a total of \$108,283.54 outstanding on the Loan (exclusive of attorneys' fees and court costs, which are recoverable under the Loan) as of March 31, 2023. Interest continues to accrue at the rate of 17.5% per annum (\$48.61 per diem). All conditions precedent to Plaintiff's recovery in this suit have occurred, been performed, or been waived.

13. Defendants' defaults on their respective obligations made it necessary for Plaintiff to employ the undersigned attorneys to enforce its rights under the Loan and related documents. This claim was timely presented to Defendants and remains unpaid. Plaintiff requested reasonable and necessary attorneys' fees and attaches as Exhibit 7 an affidavit proving up its attorneys' fees incurred in the prosecution of this suit, in an amount not less than \$6,692.00 in fees plus \$876.48 in costs.

### **PRAYER**

Plaintiff MidFirst Bank prays that the Court enter the attached Default Judgment against Defendants and grant such other and further relief to which Plaintiff is justly entitled.

Respectfully submitted,

**JACKSON WALKER LLP**

By: /s/ Victoria Argeroplos

Christina Vitale

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**ATTORNEYS FOR PLAINTIFF  
MIDFIRST BANK**

**CERTIFICATE OF SERVICE**

I certify that on April 3, 2023, a true and complete copy of the foregoing was served in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure upon the following:

***Via certified mail, return receipt requested: 9590 9266 9904 2198 3438 03***  
Healthsource Home Care, Incorporated  
2215 Dorrington St.  
Houston, TX 77030-3209

***Via certified mail, return receipt requested: 9590 7266 9904 2198 3437 97***  
Tekle Tesfaye  
Uraiwan Pinwatana Tesfaye  
3740 Wroxton Rd  
Houston, TX 77005

*/s/ Victoria Argeroplos*  
Victoria Argeroplos

### 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.

Amy Malone on behalf of Christina Vitale

Bar No. 24077610

amalone@jw.com

Envelope ID: 74276353

Filing Code Description: Motion (No Fee)

Filing Description: Plaintiff's Motion for No-Answer Default Judgment

Status as of 4/3/2023 4:44 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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