

NO. 2022-13567

RAVENSWAY LAKE HOA
Plaintiff,

IN THE DISTRICT COURT OF

vs.

LAURA HARMON
Defendant

HARRIS COUNTY, TEXAS

269th JUDICIAL DISTRICT

AFFIDAVIT IN SUPPORT OF ATTORNEYS' FEES

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Robert North who, being first duly sworn, stated as follows:

"My name is Robert North. I am the attorney of record in the above-styled and numbered cause for the Plaintiff, Ravensway Lake HOA (the "Association"). I am over eighteen (18) years of age, fully competent, and duly authorized to make this Affidavit.

I am currently an attorney duly licensed by the State of Texas, and I am employed with the law firm of North Law. My practice has been concentrated in commercial litigation including matters similar to this lawsuit. I am familiar with the fees charged by attorneys in and around Harris County, Texas for services of a similar nature to those performed herein.

Prior to the filing of this suit, written demand was made on Defendant for payment of the indebtedness forming the basis of Plaintiff's cause of action. As a result of Defendant's failure to pay as demanded, Plaintiff retained the law firm of North Law to file this suit and collect from the Defendant the debt due and owing to Plaintiff.

In my opinion, the sum of THREE THOUSAND FIVE HUNDRED SEVENTY-TWO AND XX / 100 DOLLARS (\$3,572.00) represents reasonable and necessary attorneys' fees incurred in this cause, as itemized below, considering:

- The time and labor required, difficulty of the questions involved, and the skill requisite to perform the legal services properly;
- The fee customarily charged in the locality for similar legal services;
- The amount involved;
- The time limitation imposed by the client and the circumstances;
- The nature and length of the professional relationship with the client;
- The legal services anticipated to be required to collect this indebtedness; and
- The experience of the lawyers performing the services.

Plaintiff has incurred the amount of THREE THOUSAND THREE HUNDRED EIGHT AND XX / 100 DOLLARS (\$3,308.00) in reasonable and necessary legal fees in this matter as itemized below:

- \$140.00 Receipt and review of accounting information in connection with outstanding account receivables; verify origin of amounts due and owing; preparation of demand letter seeking discharge of same; forwarded to homeowner via certified and regular mail; forward copy of same to client.
- \$245.00 Effect title search to reaffirm ownership of the property; prepare final demand letter seeking collection of outstanding indebtedness and notification of the Association's intent to file a lawsuit and lien against the homeowner; forward same to homeowner via certified and regular mail; copy correspondence and forward same to Association and property manager as applicable;
- \$35.00 Effect title search to verify ownership before proceeding with legal action.
- \$35.00 Preparation of correspondence to property manager requesting fees to file lien with Real Property Record and file Plaintiff's Original Petition; upon receipt of same will file Notice of Unpaid Assessments and Lien with county real property records.
- \$280.00 Preparation of Plaintiff's Original Petition seeking recovery of outstanding maintenance fees debt owed to the Association; preparation of correspondence to property manager requesting fees required by state court.
- \$70.00 Prepare Notice of Unpaid Assessments and Lien; Forward to property manager for signature; Draft correspondence to homeowner regarding filing lien; Forward correspondence and copy of lien to homeowner via Certified and First Class Mail;
- \$35.00 Receipt and review of correspondence and/or other inquiry by the homeowner regarding specific accounting ledger(s); firm reconciles same with own ledger for purposes of authenticating balance due and owing in furtherance of Association collection objective.
- \$180.00 Effect title search to reaffirm ownership of the property; prepare final demand letter seeking collection of outstanding indebtedness and notification of the Association's intent to file a lawsuit and lien against the homeowner; forward same to homeowner via certified and regular mail; copy correspondence and forward same to Association and property manager as applicable;
- \$70.00 Preparation of documentation necessary to file lien instrument with the county real property records; forwarding and filing Notice of Unpaid Assessments and Lien with the county; copy to property manager.
- \$140.00 Preparation of civil process request, civil case information sheet and lawsuit log; finalize original petition; preparation of documentation necessary for filing petition and filing same with court; conference with process server; awaiting service of citation upon defendants.
- \$28.00 clerks filing fee lien
- \$35.00 Conference with private process server regarding status of service upon defendants; per private process server, still attempting to serve citation and petition upon all defendants; defendants appear to be evading service;
- \$140.00 Preparation of Motion for Non-suit, certificate of service, and Order for Non-Suit; prepare documentation necessary for filing same in appropriate court; copy to property manager.
- \$140.00 Preparation of Notice of Payment of Assessments; preparation of documentation to file Notice in Real Property Records with the appropriate court; forwarding both documents to be filed.

- \$105.00 Prepared balance due letter to give notice to the homeowner about any remaining balance owed to the Association, and to either motivate the homeowner to pay the balance or to alert the homeowner that a recent payment was not sufficient to discharge the entire debt.
- \$35.00 Conference with private process server regarding status of service upon defendants; per private process server, still attempting to serve citation and petition upon all defendants; defendants appear to be evading service;
- \$50.00 Effect skip trace to locate owner's new address in order to provide adequate notice of legal action to homeowner.
- \$105.00 Prepared balance due letter to give notice to the homeowner about any remaining balance owed to the Association, and to either motivate the homeowner to pay the balance or to alert the homeowner that a recent payment was not sufficient to discharge the entire debt.
- \$35.00 Conference with private process server regarding status of service upon defendants; per private process server, still attempting to serve citation and petition upon all defendants; defendants appear to be evading service;
- \$35.00 Conference with private process server regarding status of service upon defendants; per private process server, still attempting to serve citation and petition upon all defendants; defendants appear to be evading service;
- \$105.00 Prepared balance due letter to give notice to the homeowner about any remaining balance owed to the Association, and to either motivate the homeowner to pay the balance or to alert the homeowner that a recent payment was not sufficient to discharge the entire debt.
- \$225.00 Receipt and review of affidavit from process server itemizing the attempts to affect service upon Defendant and affirming that Defendant is actively evading service; In accordance with Court's request, prepare Motion seeking an order allowing an alternative means of serving Defendant with the citation and petition through, among other things, attaching the citation to the front door and mailing a copy of to Defendant by regular mail and certified mail; prepare order to accompany motion; conference with court clerk regarding obtaining hearing date for Motion; preparation of Notice of Hearing pursuant to Court's directions; filing same;
- \$245.00 Preparation of affidavit of Property Manager serving as evidentiary predicate for Default Judgment; preparation of correspondence to Property Manager forwarding affidavit for execution and remittance.
- \$35.00 In accordance with Servicemember's Civil Relief Act ("SCRA"), research and investigation with regard to whether the Defendant is in active military status; Prepare affidavit with documentation verifying the current non military status of Defendant as required by the Federal Statute in an effort to satisfy the requirements of the Association's Motion for Default.
- \$350.00 Preparation of Motion for Default Judgment, affidavit verifying last known address, affidavit of non-military status; preparation of Order for Default Judgment; preparation of affidavit evidencing attorneys fees incurred in connection with the pursuit of this matter.
- \$90.00 Receipt and review of executed affidavit from property manager serving as evidentiary predicate for Default Judgment; Receipt and review return of citation from private process server; Conference with court clerk regarding scheduling hearing date for Motion; preparation of Notice of Hearing; filing Motion for Default Judgment with the court; forwarding notice of motion and hearing to Defendant by certified and regular mail.
- \$35.00 efilng motion for default judgment

- \$105.00 In accordance with Court's request, prepare notice of hearing to place the Association's Motion on the oral hearing docket; conference with court clerk; Prepare Notice of Hearing litigation document; Filing Notice of Hearing; forward copy of same to Defendant by regular and certified mail.
- \$180.00 Review documentation within file relating to oral hearing set before judiciary presiding over this cause; analyze and prepare responses to be presented before court.

In addition, Plaintiff has also incurred the amount of TWO HUNDRED SIXTY-FOUR AND XX / 100 DOLLARS \$264.00 in reasonable and necessary out of pocket expenses in connection with the pursuit of this lawsuit:

- \$44.00 Expense incurred in connection with filing lien.
- \$100.00 Expense incurred in connection with obtaining private process service of citation and petition upon Defendant(s).
- \$35.00 Expense incurred in connection with electronically filing documentation with the court.
- \$35.00 Expense incurred in connection with electronically filing documentation with the court.
- \$50.00 Expense incurred in connection with verifying the Military status of the Defendant(s).

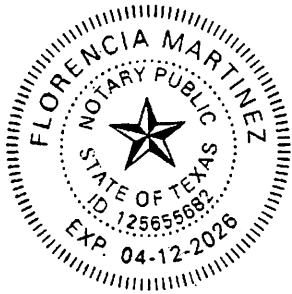
As stated within the Declaration upon which this action is brought, every owner of a lot is required to pay to Plaintiff an annual assessment as well as the interest and costs of collection (including attorneys' fees) incurred by the Plaintiff in connection with collecting the debt. These amounts are secured by a lien against the lot. Moreover, the Declaration provides that the Defendant vests in Plaintiff the right and power to foreclose, at law or in equity, the lien and that the expenses incurred in connection with the collection of the debt, including interest, costs and reasonable attorneys fees, are chargeable to Defendant.

Plaintiff would show that its pleading seeks the recovery of reasonable and necessary attorney's fees and, as such, authorizes the award of appellate attorney's fees. Superior Iron Works, Inc. vs. Roll Farm Products, Inc., 789 S.W.2d 430,431 (Tex. Civ. App. - Houston 1990, No writ); Ledisco Financial Services, Inc. vs. Viracola, 533 S.W.2d 951, 958 (Tex. Civ. App. - Texarkana 1976, no writ). To that end, the undersigned avers that a reasonable and necessary additional amount for attorney's fees in the event that the Defendant appeals this judgment would be \$750.00 for any challenge to this judgment made by the Defendant to this court; that a reasonable and necessary additional amount for attorney's fees in the event that Plaintiff, in accordance with its legal right set forth in the Declaration, is required to request a Writ from the Court, obtain the posting of the property by the appropriate Constable, and attend and affect the post judgment foreclosure of the property to satisfy this debt would be \$790.00; that the sum of \$2,500.00 would be the reasonable and necessary attorney fees required if Defendant appeals to any Court of Appeals of Texas and Plaintiff is required to legally defend this judgment; that the sum of \$2,500.00 represents the reasonable and necessary attorney fees required if Defendant appeals this judgment to the Supreme Court of Texas and Plaintiff is required to legally defend this judgment, and that the sum of \$1,000.00 represents the reasonable and necessary attorney fees required if the Writ of Error is granted by the Supreme Court and Plaintiff is required to legally defend this judgment before the Supreme Court of Texas."

FURTHER AFFIANT SAYETH NOT.

By: Robert North
Robert North

SUBSCRIBED AND SWORN TO before me on this the 1st day of December, 2022, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS