

**CAUSE NO. 2021-25350**

**SOUTHWEST CROSSING  
HOMEOWNERS ASSOCIATION**

v.

**CALVIN ALBROW AND  
TARWONIA ALBROW**

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**IN THE DISTRICT COURT OF**

**HARRIS COUNTY, TEXAS**

**190<sup>TH</sup> JUDICIAL DISTRICT**

**DEFENDANTS' ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Calvin Albrow and Tarwonia Albrow, Defendants herein, filing this their Original Answer and would respectfully show the Court as follows:

**GENERAL DENIAL**

1. Subject to such stipulations and affirmative defenses as may hereafter be made, Defendants assert a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure. Defendants respectfully request that Plaintiff be required to prove the charges and allegations against Defendants by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas.

**AFFIRMATIVE DEFENSES**

2. Even if Plaintiff proves the allegations set forth in its Original Petition, Defendants are not liable to Plaintiff because:

- A. No legally binding contract exists between Plaintiff and Defendants.
- B. Defendants are entitled to the affirmative defense of accord and satisfaction since Defendants have already paid Plaintiff in full for the services rendered by Plaintiff to Defendants which were requested, received, and completed satisfactorily.
- C. Defendants will show that Plaintiff failed to mitigate its damages, if any.

- D. Defendants are entitled to the defense of offset to the extent that the services provided by Plaintiff to Defendants were not requested, were not received, or were defective.
- E. Defendants deny that all conditions precedent have occurred in order to entitle Plaintiff to recover reasonable and necessary attorney fees.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Calvin Albrow and Tarwonia Albrow respectfully request that, upon final hearing or trial hereof, the Court order a take-nothing judgment in favor of Plaintiff and such other and further relief, both general and special, at law or in equity, to which Defendants may be entitled.

Respectfully submitted,

VILT AND ASSOCIATES – TX, P.C.

By: /s/ Robert C. Vilt  
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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2021 the foregoing was filed with the Court via the CM/ECF system and that the Clerk of the Court will forward a copy of same to the following CM/ECF users:

J.C. Jamison  
HOLT & YOUNG, P.C.  
9821 Katy Freeway, Suite 350  
Houston, Texas 77024

*/s/ Robert C. Vilt*  
ROBERT C. VILT