

CAUSE NO. 2023-24417

EDGEFIELD HOLDINGS, LLC, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
v.	§	
	§	HARRIS COUNTY, TEXAS
JACQUELINE JORDAN, DWAYNE JORDAN, J. HOME BUILDERS & CONSTRUCTION, INC., and TEAM HBC, INC., <i>Defendants.</i>	§	
	§	
	§	151 st JUDICIAL DISTRICT

**MOTION FOR PARTIAL DEFAULT JUDGMENT AND
MOTION TO SEVER**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Edgefield Holdings, LLC (“Plaintiff” or “Edgefield”) files this Motion for Partial Default Judgment against Defendant Team HBC, Inc (“HBC”) and Motion to Sever. In support, Plaintiff would respectfully show as follows:

**I.
DEFENDANTS FAILED TO ANSWER**

1. On April 18, 2023, Plaintiff filed its Original Petition against the above-named defendants, including HBC. A true and correct copy of Plaintiff’s Original Petition is on file with the Court.
2. Team HBC, Inc. is a Texas corporation with its principal place of business in Texas.
3. HBC was served by sending the citation and Original Petition to its registered agent Business Filings Incorporated at 701 Brazos Street, Ste. 720, Austin, TX 78701. The citation and Original Petition were delivered to HBC’s registered agent on April 27, 2023 by personal service.
4. Further, the petition was served on HBC’s President (Jacqueline Jordan) and sole director (Dwayne Jordan)—who are also defendants in this lawsuit—by personal service on April 28, 2023.

5. On April 28, 2023, a copy of the return of service on HBC was filed in this Court.

6. As such, proof of valid service has been on file with this Court for more than ten (10) days. A true and correct copy of the Affidavit of Service is attached hereto as Exhibit A and incorporated herein by reference.

7. The deadline for HBC to file its answer was on or before 10:00 a.m. on May 22, 2023. *See* TEX. R. CIV. P. 99 & TEX. BUS ORG. CODE § 5.252. HBC failed to file its answer by this date and has not filed an answer as of the date of this Motion.¹

8. On August 8, 2023, Plaintiff filed a Supplemental Petition against HBC. The Supplemental Petition built upon the previously pled theories of conspiracy and fraudulent transfer by and between Team HBC and Jacqueline Jordan to plead a cause of action for alter-ego and reverse veil piercing.

9. In accordance with TEX. R. CIV. P. 21a,² the Supplemental Petition was served by Certified Mail Return Receipt Requested on HBC's registered agent and to HBC's last known address. The Supplemental Petition was also sent by U.S. Certified Mail, Return Receipt Requested to Jacqueline Jordan and Dwayne Jordan. The return receipts for service of the Supplemental Petition are attached hereto as Exhibit B.

¹ The deadline for Jacqueline Jordan and Dwayne Jordan to file their answers was also on or before 10:00 a.m. on May 22, 2023. *See* Tex. R. Civ. P. 99 & Tex. Bus Org. Code § 5.252. Jacqueline Jordan and Dwayne Jordan have also failed to file an answer by this date and have not filed an answer as of the date of this Motion. On May 10, 2023, a copy of the return of service on Jacqueline Jordan and Dwayne Jordan was filed in this Court.

² *See In re E.A.*, 287 S.W.3d 1, 4 (Tex. 2009) (“Nothing in the rules requires a plaintiff to serve a nonanswering defendant with new citation for a more onerous amended petition. While a nonanswering defendant must be served with a more onerous amended petition in order for a default judgment to stand, we agree with the court of appeals that Rule 21a service satisfies that requirement. This interpretation eliminates the uncertainty and confusion that is found in the cases regarding what constitutes a ‘more onerous judgment’ or a new ‘cause of action.’”).

II.
CERTIFICATE OF LAST KNOWN ADDRESS

10. HBC's last known address is 4630 Knoxville St., Houston, Texas 77051. *See* Exhibit C (Certificate of Last Known Address).

III.
DEFENDANT IS NOT A MEMBERS OF THE U.S. MILITARY

11. A corporate entity cannot be a "Servicemember" under the Servicemembers Civil Relief Act and therefore, an affidavit regarding military service is not required to obtain a default judgment against a corporate entity. *See Platter v. G Force Cement Works, L.L.C.*, 2019 WL 5748763, at *2, n. 1 (S.D. Tex. Nov. 5, 2019), *citing Davis v. City of Phila.*, 821 F.3d 484, 488 (3d Cir. 2016).

12. Because Team HBC, Inc is a corporation, HBC is not a "Servicemember" under the Servicemembers Civil Relief Act and an affidavit regarding HBC's military service is unnecessary.

IV.
DEFAULT JUDGMENT

13. HBC has been lawfully served with citation in this lawsuit and has failed to answer or appear. With this Motion for Partial Default Judgment, Edgefield seeks a default judgment against HBC on its cause of action for a declaratory judgment, pursuant to the Texas Declaratory Judgment Act, Chapter 37 of the Texas Civil Practice and Remedies Code and alter-ego/reverse veil piercing. Edgefield seeks a declaration that its lien on the property commonly known as of 4630 Knoxville St, Houston TX 77051³ is valid. Edgefield also seeks a judgment holding that Team HBC, Inc. and Jacqueline Jordan are alter egos of one another and that Plaintiff may enforce its previously entered money judgment against Jacqueline Jordan with the assets of Team HBC, Inc.

³ The legal description of the property being: "A tract of land known as Lot 9 of the Tom Farrell Subdivision, an unrecorded subdivision in Harris County, Texas, being more particularly described by the metes and bounds in deed from Arthur Bradley to Joe H. Rogers et ux, La Vern Rogers, dated August 18, 1976, field August 19, 1976 and Recorded in County Clerk's File Number E863520 in the Official Public Records of Real Property in Harris County, Texas."

14. In cases of no-answer default, “a defaulting defendant admits all facts properly pled in the plaintiff’s petition except for the amount of unliquidated damages.” *Dolgencorp of Tex., Inc. v. Lerma*, 288 S.W.3d 922, 930 (Tex. 2009). Accordingly, all facts in Plaintiff’s Original Petition are deemed true as a matter of law and Edgefield requests that this Court take judicial notice of the following facts set forth in the Original Petition:

On July 5, 2012, Woodforest National Bank received a judgment against Jacqueline Jordan in the amount of \$68,609.33 (with post-judgment interest accruing on such principal amount thereafter at the rate of 18% per annum), plus legal fees in the amount of \$5,000.00 (with post-judgment interest accruing on such fees at the rate of 5% per annum), plus costs in the amount of \$268.00, in the case styled *Woodforest National Bank v. Jacqueline Jordan*, Cause No. 12-03-03316, Montgomery County Civil Court at Law No. 2, Montgomery County, Texas (the “Judgment”).

Edgefield Holdings, LLC, is the successor-in-interest to the Judgment *via* an Assignment of Judgment and holds all rights, title, and interest incident thereto.

On October 2, 2012, an Abstract of Judgment was filed in the Harris County Real Property records placing a lien on any and all real property owned (or subsequently acquired) by Jacqueline Jordan.

On June 23, 2014, an entity known as “2 Classy 2 Clean” transferred ownership of the property known as 4630 Knoxville Street to Jacqueline Jordan *via* a warranty deed and Edgefield’s judgment lien attached to the 4630 Knoxville property as a result.

Thereafter:

- Jacqueline Jordan transferred the property to Ronald Walker on June 23, 2014 (Doc. #20140270942)
- Ronald Walker transferred the property to J. Homebuilders & Construction, Inc. on July 22, 2014 (Doc. #20140321096)
- J. Homebuilders & Construction, Inc. transferred the property to Rodney Martinez on March 16, 2015 (Doc. #20150105207)
- Rodney Martinez transferred the property to Norman Hodge on April 25, 2016 (Doc. #RP-2016-170785)
- Norman Hodge transferred the property to Team HBC, Inc. on August 1, 2016 (Doc. #RP-2016-334838)

Each transfer of the property was subject to and carried with it the judgment lien against Jacqueline Jordan which properly attached on June 23, 2014.⁴

⁴ A copy of each of the referenced deeds is attached hereto as Exhibit D for the Court’s reference and for a more particular description of the property. To the extent necessary, the Court is requested to take judicial notice of these public records.

On September 22, 2022, the Montgomery County Court at Law signed an Order Reviving the Judgment, curing any previous dormancy and allowing for collection efforts to continue thereon.⁵

On September 30, 2022, a new Abstract of Judgment was issued by the Montgomery County Clerk which was recorded in the Harris County Property Records on October 6, 2022.^{6 7}

15. Edgefield requests that this Court also take judicial notice of the following facts set forth in the Supplemental Petition:

J. Jordan is currently the President and sole officer Team HBC, Inc. and held such position during all relevant times. J. Jordan also was the sole director of Team HBC, Inc., before the sole director position was returned to Dwayne Jordan – a fellow member of the conspiracy and also a defendant in this lawsuit.

As part of the conspiracy to fraudulently transfer and hide assets between themselves and insiders, J. Jordan disregarded the corporate entity of Team HBC, Inc. in order to perpetrate a fraud on her creditors such as Edgefield Holdings, LLC. As the entity's sole officer, J. Jordan maintained control over the entity and used her control to hide her and Dwayne Jordan's assets from creditors. J. Jordan and Dwayne Jordan have used the entity's corporate form as they please and at their whim without following corporate formalities and without creating any actual or appeared separateness between the entity and its controlling persons (J. Jordan and Dwayne Jordan).

According to the reports of Team HBC, Inc., the only other director/person with potential control over Team HBC, Inc. is Dwayne Jordan, a member of the conspiracy to defraud and a defendant in this lawsuit who has been served. As such, application of the reverse veil piercing remedy will not unfairly prejudice or harm the other shareholders or officers of the entity.

16. As a result of the facts as alleged above, Edgefield has established the validity of its judgment lien against Team HBC Inc.'s interest in the real property at 4630 Knoxville St, Houston TX 77051. Further, Edgefield has established that Jacqueline Jordan and Team HBC, Inc. are alter-

⁵ See generally *Cedycor Corp. v. Whitehead*, No. 09-08-00300-CV, 2009 WL 2045262, at *4 (Tex. App.—Beaumont July 16, 2009, no pet.) (“After the underlying judgment became dormant [], the abstract of judgment could not be extended without first reviving the judgment.”).

⁶ A copy of each of the referenced court records and the abstract of judgment is attached hereto as Exhibit E for the Court's reference. To the extent necessary, the Court is requested to take judicial notice of these public records.

⁷ Plaintiff admits that there is a 4 day gap between the expiration of the original Abstract of Judgment on October 2, 2022 and the filing of the new Abstract of Judgment on October 6, 2022. See TEX. PROP. CODE § 52.006. There was no transfer of the property during this gap and Plaintiff's judgment lien re-attached upon the October 6, 2022 filing.

egos of one another and that Edgefield should be allowed to enforce its previously entered monetary judgment against Jacqueline Jordan against the assets of HBC.

V.
MOTION TO SEVER

17. A court has broad discretion to sever part of a case before the case is submitted to the trier of fact. Tex. R. Civ. P. 41; *Christopher Columbus St. Mkt. LLC v. Zoning Bd. of Adjustments*, 302 S.W.3d 408, 414 (Tex. App.—Houston [14th Dist.] 2009, no pet.). This case has not been submitted to the trier of fact.

18. Moreover, a lawsuit may be severed into two suits if (1) it involves more than one distinct and separate claim, (2) the severed claim could have been independently asserted in a separate lawsuit, and (3) the severed claim is not so interwoven with the remaining claims that they involve the same facts and issues. *State v. Morello*, 547 S.W.3d 881, 889 (Tex. 2018) (upholding severance in case brought by State against two separate defendants because “while the two cases are factually intertwined, they are not so interwoven as to override proper severance”).

19. Here, there is no dispute that Edgefield’s Judgment against Jacqueline Jordan is a valid judgment. Edgefield’s causes of action herein are seeking to collect on property each of the defendants hold individually that may be subject to that judgment.

20. Team HBC, Inc. is the sole defendant with an interest in 4630 Knoxville St, Houston TX 77051 and therefore, Edgefield’s declaratory judgment and foreclosure actions against Team HBC, Inc. may have been brought exclusively against Team HBC, Inc. in a separate action.

21. Moreover, Edgefield’s cause of action for alter-ego/reverse veil piercing is brought solely against Team HBC, Inc. for the purpose of pursuing the assets of Team HBC, Inc. While Jacqueline Jordan and Dwayne Jordan may have a nominal interest in the finding of alter-ego, Edgefield does seek to use any alter-ego findings to establish traditional veil piercing (*e.g.* enforcement

of a judgment against Team HBC, Inc. against the members) and Edgefield does not intend this default judgment to be binding in such regard.

22. Good cause exists to allow severance so that Edgefield may pursue foreclosure of the lien and apply the credit from the sale towards the Judgment before continuing (if still necessary) any claims against the other defendants (none of which have answered to date).

**VI.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Edgefield respectfully requests that this Court grant this Motion for Partial Default Judgment, enter an order for default judgment as prayed for herein, and for such other and further relief to which Edgefield may be justly entitled, either at law or in equity.

Respectfully Submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

/s/ Timothy R. Cook

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that, on September 14, 2023 a true and correct copy of the foregoing instrument has been forwarded to the parties in accordance with the Texas Rules of Civil Procedure.

Team HBC Inc.

Via its registered agent

Business Filings Incorporated

701 Brazos Street, Ste. 720,

Austin, TX 78701 USA

4630 Knoxville St,

Houston TX 77051

Jacqueline Jordan,

Dwayne Jordan, and

J. Home Builders & Construction

5967 Kenilwood Dr.,

Houston, TX 77033

/s/ Timothy R. Cook _____
Timothy R. Cook

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.

Donna Keaton on behalf of Timothy Cook

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Filing Code Description: Motion (No Fee)

Filing Description: Edgefield Motion for Partial Default and Motion to Sever

Status as of 9/15/2023 8:17 AM CST

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