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Marilyn Burgess - District Clerk Harris County
Envelope No. 80122098
By: Brenda Espinoza
Filed: 10/2/2023 12:00 AM

CAUSE NO. 202358317

LANCE H. ETHERIDGE	§	**IN THE DISTRICT COURT**
Plaintiff,	§	
	§	
v.	§	
	§	**215TH JUDICIAL DISTRICT**
	§	
NEXBANK	§	
Defendant.	§	**HARRIS COUNTY, TEXAS**

NEXBANK'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION

NexBank") known as ("The Defendant") files this original answer to Plaintiffs' Original Petition ("Petition"), and respectfully shows the Court as follows:

GENERAL DENIAL

Pursuant to Rule 92, of the Texas Rules of Civil Procedure the Defendants generally deny all the material allegations asserted by Plaintiffs in the Petition and demands strict proof thereof by the preponderance of the credible evidence.

AFFIRMATIVE DEFENSES

1. Plaintiffs' claims are barred, in whole or in part, for failure to perform conditions precedent, including, but not limited to, paying the loan as agreed, tendering the amount of the debt and/or purchase price, and/or providing The Defendants with good and sufficient notice of its requests, claims and/or demands.

2. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs' own acts or omissions caused or contributed to their injury, if any.

3. Plaintiffs' claims are barred, in whole or in part, for failure to mitigate damages.

4. Any alleged wrongful acts or omissions of The Defendants, if and to the extent such acts and omissions occurred, were legally excused or justified.

5. Plaintiffs' claims are barred, in whole or in part, because of a failure of consideration.

ATTORNEYS' FEES

The Defendants are entitled to recover attorneys' fees pursuant to any statute or rules invoked by either party, which entitles it to recover attorneys' fees and costs of court for defending the claims asserted by Plaintiffs.

PRAYER

WHEREFORE, The Defendants pray this Honorable Court enter a judgment that Plaintiffs takes nothing by this suit, dismiss Plaintiffs' claims with prejudice, and for all other relief Court deems appropriate.

Respectfully submitted,
BONIAL & ASSOCIATES, P.C.

/s/ Rachel Donnelly
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ATTORNEYS FOR THE DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that all the listed parties and/or their respective counsel were served, in accordance with Texas Rules of Civil Procedure, with the foregoing document on September 28, 2023.

Robert C. Vilt
clay@viltlaw.com
Via eserve

/s/ Rachel Donnelly
Rachel Donnelly

Automated Certificate of eService

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Cristina Bouchard on behalf of Rachel Donnelly
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Envelope ID: 80122098
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Filing Description:
Status as of 10/2/2023 8:07 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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