

Notice of Claim

7. Plaintiff delivered written notice of this claim to Fred Zaziski on December 12, 2022, advising Fred Zaziski in reasonable detail of the specific complaint made the subject of this action and the amount and nature of the damages and expenses sought.

Facts

8. On September 28, 2022, NTAG, LLC and Fred Zaziski entered into a written contract (“the contract” herein).

9. The contract was entered into between the parties for Defendant to sell the property located at 15 Lochbury Court, Spring, Texas 77379 and the property was to close on or before October 28, 2022.

10. NTAG, LLC has fully performed all obligations under the contract.

Breach of Contract

11. Defendant wholly refuses to close on the property on or before the closing date and continues to refuse to close on the property.

Specific Performance

12. Monetary damages are an inadequate remedy for the injuries suffered by Plaintiff as a result of Defendant's breach because it is hard to ascertain the monetary damages Plaintiff will occur if Plaintiff does not receive the property. Plaintiff's intent is to rent the property out or sell the property and it is difficult to ascertain the rental value lost or what the property will sell for without listing the property which Plaintiff cannot do without owning the property. Plaintiff therefore asks the Court to order specific performance of the contract.

Alternative Pleadings

13. As provided in Rule 48, Texas Rules of Civil Procedure, claims for relief made in this petition are presented in the alternative when necessary to preserve such claim.

Initial Disclosures

14. As provided in Rule 194, Texas Rules of Civil Procedure, required Initial Disclosures of all items listed in Rule 194.2 must be made at or within 30 days after the filing of the first answer unless a different time is set by the parties' agreement or court order.

15. Plaintiff asks the Court to keep the requirement of Initial Disclosures to be made within 30 days.

Prayer

Plaintiff prays that citation be issued commanding Defendant to appear and answer herein and that Plaintiff be awarded judgment against Defendant for the relief requested herein and for all other relief to which Plaintiff is entitled both in equity and at law.

Respectfully submitted,

David Gilchrist
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/s/ David Gilchrist
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Unofficial Copy Office of Matthew Burgess District Clerk