

THE KRUCKEMEYER LAW FIRM

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July 6, 2023

Ms. Marilyn Burgess
District Clerk
Harris County Civil Courts Bldg.
201 Caroline
Houston, Texas 77002

Re: Cause No. 2021-26089; *Kenneth Melber v. F. Kenneth Bailey et al*; In the District Court of Harris County, Texas; 281st Judicial District

Dear Ms. Burgess:

Please prepare an Abstract of Judgment in connection with the above-styled and referenced matter. The following information relates to the above-referenced case:

1. Names of each Plaintiff in Judgment: Kenneth Melber
2. Address of each Plaintiff in Judgment:
8681 Louetta Road
Suite 220
Spring, Texas 77379
3. Name of each Defendant in Judgment: Floyd Kenneth Bailey
4. Birth Date, Driver's License Number and Social Security No. of each Defendant:
DOB: 9/24/1946
FDL: Unknown
SSN: XXX-XX-2979
5. Number of suit in which Judgment was rendered: 2021-26089.
6. Address of each Defendant: 510 Bering, Suite 465
Houston, Texas 77057-1451

7. Date when Judgment was rendered: May 4, 2023
8. Amounts for which Judgment was rendered against Defendant:
- a. Actual Damages: \$1,041,179.13;
 - b. Prejudgment Interest: \$456,516.05;
 - c. Late Fees: \$17,613.98
 - d. Attorney's fees in the amount of \$5,000.00; an additional attorney fee of \$25,000.00 should there be an appeal to the court of appeals and the Plaintiff ultimately prevails and an additional attorney fee of \$25,000.00 should there be an appeal to the Texas Supreme Court and the Plaintiff ultimately prevails;
 - e. Interest of eighteen percent (18.00%) from date of judgment until paid; and
 - e. Costs of Court in the amount of \$269.00.
9. Credit: \$0

With the filing of this request Kenneth Melber has paid the appropriate fee for preparation of the Abstract of Judgment. Upon completion of the Abstract of Judgment, please return to the undersigned. A copy of the Signed Default Judgment is attached for your convenience.

If you have any questions, please contact the undersigned.

Kindest regards,

/S/ Robert J. Kruckemeyer
Robert J. Kruckemeyer

RJK/aam

CAUSE NO. 2021-26089

KENNETH MELBER,

Plaintiff,

v.

F. KENNETH BAILEY,

Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY TEXAS

281ST JUDICIAL DISTRICT

DEFAULT JUDGMENT

Came on to be heard the above-entitled and numbered cause wherein Kenneth Melber ("Melber") is Plaintiff and F. Kenneth Bailey, Jr. is Defendant. Melber appeared in person and by his attorney of record and announced ready for trial. F. Kenneth Bailey, Jr., although having been duly and legally cited to appear and answer has failed to appear and answer and has wholly made default.

Citation was served on F. Kenneth Bailey, Jr. according to law and the return of service were returned to the Harris County District clerk where they have remained on file for the time required by law. The Court has read the pleadings and the papers on file and is of the opinion that the allegations contained in the Plaintiff's Original Petition have been admitted and that the cause of action is liquidated and proven by instruments in writing. The Court has considered the Declaration of Kenneth Melber in support of Plaintiff's claim for damages and has considered the Declaration of Robert J. Kruckemeyer in support of Plaintiff's claim for attorneys' fees. It is therefore

ORDERED, ADJUDGED and DECREED that the material allegations of Plaintiff's Original Petition be and the same are deemed admitted as F. Kenneth Bailey, Jr. that Melber have and recover of and from F. Kenneth Bailey, Jr. as follows:

Actual damages in the amount of \$1,041,179.13 as of August 4, 2022;

Pre-judgment interest through August 4, 2022, in the amount of \$364,124.66 with interest accruing thereafter through the date of judgment at the rate of \$338.43 per day.

Late fees in the amount of \$17,613.98.

Attorneys' fees in the amount of \$5,000.00 through the trial of this matter; an additional attorneys' fee of \$25,000.00 should this matter be appealed to the court of appeals and such appeal is unsuccessful; the additional sum of \$25,000.00 is awarded to Melber in the event that this matter is appealed to the Texas Supreme Court and appeal is unsuccessful;

IT IS FURTHER ORDERED that the judgment here rendered shall bear interest at the rate of eighteen percent (18%) from the date of judgment until paid.

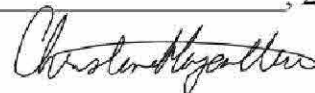
All costs of court expended or incurred in this cause are adjudged against F. Kenneth Bailey, Jr.

All writs and processes for the enforcement and collection of this judgment or the costs of court may issue as necessary.

All relief not expressly granted herein is denied.

SIGNED this ____ day of _____, 2021.

Signed:
5/4/2023



Judge Presiding

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Robert J. Kruckemeyer _____

Robert J. Kruckemeyer

State Bar No.: 11735700

244 Malone Street

Houston, Texas 77007

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ATTORNEY FOR PLAINTIFF

KENNETH MELBER

Unofficial Copy Office of Marilyn Burgess District Clerk

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.

Robert Kruckemeyer on behalf of Robert Kruckemeyer
Bar No. 11735700
bob@kruckemeyerlaw.com
Envelope ID: 77264341
Filing Code Description: Request
Filing Description: Request
Status as of 7/6/2023 3:58 PM CST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------------|-----------|-------------------------|---------------------|--------|
| Robert Kruckemeyer | | bob@kruckemeyerlaw.com | 7/6/2023 2:36:40 PM | SENT |
| MICHAEL TKRUCKEMEYER | | mike@kruckemeyerlaw.com | 7/6/2023 2:36:40 PM | SENT |

Unofficial Copy Office of Marilyn Burgess, District Clerk