| BODKA CREEK CAPITAL, LLC | § | IN THE DISTRICT COURT OF |
| :---: | :---: | :---: |
|  | § |  |
| Plaintiff, | § |  |
|  | § |  |
| v. | $\S$ | r |
|  | § | 8 |
| BAY OAKS (BT3), LLC, MARINA CLUB | § | HARRIS COUNTY FEXAS |
| (BT3), LLC, AND PROVIDENCE AT | $\S$ |  |
| BAYTOWN (BT3), LLC, | § |  |
| Defendants. | § | ) |
|  | § | - 50 |
|  | § | ) |
|  | $\S$ | 127th JUDICIAL DISTRICT |
| DEFENDANTS' | OR | ANSWER |

(BT3), LLC, (collectively, "Defendants") file this Original Answer to Plaintiff Bodka Creek
Capital, LLC's ("Plaintiff") Original Petition and would respectfully show as follows:

## I. GENERAL DENIAL

Pursuant to Texas Rule of Civil Procedure 92, Defendants generally deny each and every allegation and claim set forth in Pdaintiff's Original Petition and demand strict proof thereof by a preponderance of the credible evidence, as required by the Constitution and laws of the State of Texas.

## II. AFFIRMATIVE DEFENSES

Defendantsplead the following affirmative defenses and in support thereof alleges:

1. Plaintiff's claims fail in whole or in part because of Plaintiff's material breach of the Purchase and Sale Agreement.
2. Plaintiff's demand for specific performance of the Purchase and Sale Agreement fails because Plaintiff terminated the contract.
3. Plaintiff's demand for specific performance of the Purchase and Sale Agreement fails under the doctrine of unclean hands and/or in pari delicto.

## III. RIGHT TO AMEND

Defendants reserve the right to amend this Original Answer and to add additional defenses and affirmative defenses in accordance with the Texas Rules of Civil Procedure.

## IV. PRAYER

Defendants pray that upon final trial and hearing in this case, Plaintiff takes nothing by reason of this suit, Defendants recover their costs of court and expenses, and for all other relief to which they are entitled.

Respectfully submitted,
BAKER BOTTS RP.L.P.
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ATTORNEYS FOR DEFENDANTS

## Certificate of Service

I certify that on the $8^{\text {th }}$ day of September, 2023, a copy of the above and foregoing was served on all counsel of record by electronic service.

## /s/ Nischay K. Bhan

Nischay K. Bhan

## 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.

Laura Natelson on behalf of Tina Nguyen
Bar No. 24078670
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Envelope ID: 79355715
Filing Code Description: Answer/ Response / Waiver
Filing Description: Defendants' Original Answer
Status as of 9/8/2023 2:06 PM CST
Case Contacts

| Name | BarNumber | Email | Status |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| Ashish Mahendru |  | amahendru@thelitigationgroup.com | $9 / 8 / 20231: 25: 31$ PM | SENT |
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