

CAUSE NO. 2023-67857

**GILBERTO GUERRA, JR.,
Plaintiff,**

v.

**IDAHO HOUSING AND FINANCE
ASSOCIATION,
Defendant.**

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IN THE DISTRICT COURT

125th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**IDAHO HOUSING AND FINANCE ASSOCIATION'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Idaho Housing and Finance Association ("Idaho Housing") files this original answer to Plaintiff's Original Petition ("Petition"), and respectfully shows the Court as follows:

GENERAL DENIAL

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

AFFIRMATIVE DEFENSES

1. Plaintiff's 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 Idaho Housing with good and sufficient notice of its requests, claims and/or demands.

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

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

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

ATTORNEYS' FEES

Idaho Housing is 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 Plaintiff.

PRAYER

WHEREFORE, Idaho Housing prays this Honorable Court enter a judgment that Plaintiff takes nothing by this suit, dismiss Plaintiff's claims with prejudice, and for all other relief Court deems appropriate.

Respectfully submitted,
BONIAL & ASSOCIATES, P.C.

/s/ Braden Barnes

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**ATTORNEYS FOR IDAHO HOUSING
AND FINANCE ASSOCIATION**

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 October 23, 2023.

Erick DeLaRue
2800 Post Oak Boulevard, Suite 4100
Houston, TX 77056
erick.delarue@delaruelaw.com
Via eserve

/s/ Braden Barnes
Braden Barnes

Unofficial Copy Office of Marilyn Burgess District Clerk

Automated Certificate of eService

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Erick DeLaRue	24103505	erick.delarue@delaruelaw.com	10/23/2023 9:59:44 PM	SENT

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