

NO. 23-12-19209

NORTHCREST RANCH PROPERTY OWNERS ASSOCIATION
Plaintiff,

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IN THE DISTRICT COURT OF

VS.

MONTGOMERY COUNTY, TEXAS

ELIZAR SPEARS
Defendant,

457TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER, GENERAL DENIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ELIAZAR SPEARS Defendant herein, and files this, her ORIGINAL ANSWER / GENERAL DENIAL and for good cause would show the following:

I.

GENERAL DENIAL

Pursuant to § 92, TEX.R.CIV.P., Defendant generally denies each and every, all and singular, the material allegations contained in Plaintiff's Original Petition, and request that Plaintiff be required to prove such allegations by a preponderance of all credible evidence.

II.

JURY DEMAND

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendant hereby makes demand and application for a jury trial. A jury fee is being paid consecutively with the filing of Defendant's Original Answer.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that, Plaintiff takes nothing by their suit, and that Defendant be awarded attorney's fees, costs and damages associated with Plaintiff's claims; together with such other and further relief, general or special, at law or in equity,

Cause No. 23-12-19209

NORTHCREST RANCH PROPERTY
OWNERS' ASSOCIATION, INC.,
Plaintiff,

VS.

ELIAZAR SPEARS,
Defendants,

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IN THE DISTRICT COURT OF

MONTGOMERY COUNTY, TEXAS

457TH JUDICIAL DISTRICT

PLAINTIFF'S AMENDED PETITION

Northcrest Ranch Property Owners' Association, Inc., Plaintiff in this lawsuit, would respectfully show the Court the following.

I. PARTIES; SERVICE OF PROCESS

Plaintiff is a non-profit corporation existing under and by virtue of the laws of the State of Texas with its principal office being located in Montgomery County, Texas.

Defendant, Eliazar Spears, is a resident of Montgomery County, Texas, and may be served with process at 23993 Mossy Oaks Dr, New Caney, TX 77357 or wherever Eliazar Spears may be found.

Defendant, Mack M. Spears, is a resident of Montgomery County, Texas, and may be served with process at 23993 Mossy Oaks Dr, New Caney, TX 77357 or wherever Mack M. Spears may be found.

II. JURISDICTION AND VENUE

Pursuant to *Texas Civil Practice and Remedies Code*, jurisdiction and venue of this case properly lie in Montgomery County, Texas, in that Montgomery County is the county in which all or part of the property made the basis of this cause is located and/or is the county of Defendants' residence at the time the cause of action accrued.

This lawsuit seeks monetary relief of one hundred thousand dollars (\$100,000.00) or less and non-monetary relief. The damages sought are within the jurisdictional limits of the court.



Request for Service

Montgomery County District Clerk

CASE NUMBER: 23-12-19209 CURRENT COURT: Montgomery County - 457th Judicial District Court

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE of document(s) to be served: _____ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly as The Name Appears in The Pleading to Be Served):

Issue Service to: Eliazar Spears

Address of Service: 23993 Mossy Oaks Drive

City, State & Zip: New Caney, TX 77357

Agent (if applicable): _____

Check here to have citation addressed to wherever the addressee may be found.

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the appropriate box)

<input checked="" type="checkbox"/> Citation for Personal Service	<input type="checkbox"/> Secretary of State Citation (\$12.00)	<input type="checkbox"/> Civil Injunction/TRO
<input type="checkbox"/> Citation by Posting	<input type="checkbox"/> Highway Commission (\$12.00)	<input type="checkbox"/> Certiorari
<input type="checkbox"/> Citation by Publication	<input type="checkbox"/> Commissioner of Insurance (\$12.00)	<input type="checkbox"/> Precept
<input type="checkbox"/> Citation Scire Facias	<input type="checkbox"/> Hague Convention (\$16.00)	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Writ of Garnishment	<input type="checkbox"/> Capias (not an E-Issuance)	<input type="checkbox"/> Other (Please Describe) _____
<input type="checkbox"/> Writ of Sequestration	<input type="checkbox"/> Temporary Restraining Order (Family)	_____
<input type="checkbox"/> Writ of Attachment	<input type="checkbox"/> Temporary Ex Parte Protective Order	_____
<input type="checkbox"/> Writ of Habeas Corpus	<input type="checkbox"/> Notice of Appl. For Protective Order	_____
<input type="checkbox"/> Notice of Hearing/Show Cause	<input type="checkbox"/> Notice of Foreign Judgment (UIFSA)	(See additional Forms for Post Judgment Service)
<input type="checkbox"/> Regular Mail (only available for Expedited Foreclosures and UIFSA Foreign Judgments)	<input type="checkbox"/> Notice of Foreign Judgment (UCCJEA) (by certified mail service)	

SERVICE BY: (Check the appropriate box.)

<input checked="" type="checkbox"/> E-Issuance by District Clerk (No Service Copy Fees Charged) (Note: CAPIAS is not an E-Issuance Option)
*Citations returned electronically will be e-served through E-file Texas to requesting attorney/pro se.
<input type="checkbox"/> ATTORNEY PICK-UP (phone or email contact): <u>Please email citations to csmith@rmwbh.com</u>
<input type="checkbox"/> MAIL to attorney at Attorney of Record's address on file in case record.
<input type="checkbox"/> CERTIFIED MAIL by District Clerk
<input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
<input type="checkbox"/> OTHER, explain: _____

Issuance of Service requested by:

Attorney/Party Name: Hisamitsu (Sam) Shinoda Bar# or ID: 24121121

Mailing Address: 2800 Post Oak Blvd., Suite 5777, Houston, Texas 77056

Phone Number: 713.780.4135 sshinoda@rmwbh.com



Request for Service

Montgomery County District Clerk

CASE NUMBER: _____ CURRENT COURT: _____

Name(s) of Documents to be served: Plaintiff's Amended Petition

FILE DATE of document(s) to be served: _____ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly as The Name Appears in The Pleading to Be Served):

Issue Service to: Mack M. Spears

Address of Service: 23993 Mossy Oaks Dr

City, State & Zip: New Caney, TX 77357

Agent (if applicable): _____

Check here to have citation addressed to wherever the addressee may be found.

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the appropriate box)

<input checked="" type="checkbox"/> Citation for Personal Service	<input type="checkbox"/> Secretary of State Citation (\$12.00)	<input type="checkbox"/> Civil Injunction/TRO
<input type="checkbox"/> Citation by Posting	<input type="checkbox"/> Highway Commission (\$12.00)	<input type="checkbox"/> Certiorari
<input type="checkbox"/> Citation by Publication	<input type="checkbox"/> Commissioner of Insurance (\$12.00)	<input type="checkbox"/> Precept
<input type="checkbox"/> Citation Scire Facias	<input type="checkbox"/> Hague Convention (\$16.00)	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Writ of Garnishment	<input type="checkbox"/> Capias (not an E-Issuance)	<input type="checkbox"/> Other (Please Describe) _____
<input type="checkbox"/> Writ of Sequestration	<input type="checkbox"/> Temporary Restraining Order (Family)	_____
<input type="checkbox"/> Writ of Attachment	<input type="checkbox"/> Temporary Ex Parte Protective Order	_____
<input type="checkbox"/> Writ of Habeas Corpus	<input type="checkbox"/> Notice of Appl. For Protective Order	_____
<input type="checkbox"/> Notice of Hearing/Show Cause	<input type="checkbox"/> Notice of Foreign Judgment (UIFSA)	(See additional Forms for
<input type="checkbox"/> Regular Mail (only available for Expedited Foreclosures and UIFSA Foreign Judgments)	<input type="checkbox"/> Notice of Foreign Judgment (UCCJEA) (by certified mail service)	Post Judgment Service)

SERVICE BY: (Check the appropriate box.)

E-Issuance by District Clerk (No Service Copy Fees Charged) (Note: **CAPIAS is not an E-Issuance Option**)
 *Citations returned electronically will be e-served through E-file Texas to requesting attorney/pro se.

ATTORNEY PICK-UP (phone or email contact): Please email citations to csmith@rmwbh.com

MAIL to attorney at Attorney of Record's address on file in case record.

CERTIFIED MAIL by District Clerk

CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____

OTHER, explain: _____

Issuance of Service requested by:

Attorney/Party Name: Oscar Becerra Bar# or ID: 24120709

Mailing Address: 2800 Post Oak Blvd., Suite 5777, Houston, Texas 77056

Phone Number: 713.780.4135