

SUIT NO. 202387647

CITY OF HOUSTON, ET AL

§
§
§
§
§

IN THE DISTRICT COURT

VS.

125TH JUDICIAL DISTRICT

BORRIS L. MILES

HARRIS COUNTY, TEXAS

MOTION FOR DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES,

CITY OF HOUSTON, HOUSTON INDEPENDENT SCHOOL DISTRICT and HOUSTON COMMUNITY COLLEGE SYSTEM

and file this their MOTION FOR DISMISSAL, without prejudice to their right to refile against any defendant(s) herein.

Notice of this dismissal is provided to all parties in accordance with TEXAS RULES OF CIVIL PROCEDURE, Rules 21a and 162.

Respectfully submitted,

LINEBARGER GOGGAN BLAIR & SAMPSON,
LLP
PO Box 3064
Houston, TX 77253-3064
(713) 844-3580, (713) 844-3502 - Fax



Margaret Alfred
State Bar No. 24104378
margaret.alfred@lgbs.com
Attorneys For Plaintiffs
ACCOUNT # 0810280000032

Unofficial Copy Office of Marilyn Burgess District Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Dismissal was sent to the following individuals in accordance with the Texas Rules of Civil Procedure on the 15 day of July, 2024.

Borris L. Miles
5302 Almeda Rd.
Houston, TX 77004



Attorney Certifying

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.

Aaliyah Saenz on behalf of Margaret Alfred
Bar No. 24104378
AALIYAH.SAENZ@LGBS.COM
Envelope ID: 89938442
Filing Code Description: Motion (No Fee)
Filing Description: Motion for Dismissal
Status as of 7/18/2024 4:02 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Angelica Hernandez	797872	angelica.hernandez@lgbs.com	7/18/2024 4:01:19 PM	SENT
Mary Vu		mary.vu@harriscountytexas.gov	7/18/2024 4:01:19 PM	SENT
Mary Vu		taxeservice.cao@harriscountytexas.gov	7/18/2024 4:01:19 PM	SENT

Unofficial Copy Office of Marilyn Burges District Clerk

SUIT NO. _____

CITY OF HOUSTON, ET AL

§
§
§
§
§

IN THE DISTRICT COURT

VS.

_____ JUDICIAL DISTRICT

BORRIS L. MILES

HARRIS COUNTY, TEXAS

ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

I.

PLAINTIFF(S)

This suit is brought for the recovery of delinquent ad valorem taxes under TEX. TAX CODE § 33.41 by the following named Plaintiff(s), whether one or more, each of which is a taxing unit and is legally constituted and authorized to impose and collect taxes on property:

CITY OF HOUSTON, HOUSTON INDEPENDENT SCHOOL DISTRICT and HOUSTON COMMUNITY COLLEGE SYSTEM

The Plaintiff(s) intends discovery to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure.

DEFENDANT(S)

The following are named as Defendant(s) in this suit, and they may be served with notice of these claims by service of citation at the address and in the manner shown as follows:

Borris L. Miles, 5302 Almeda Rd., Houston, TX 77004

If any party is shown at an unknown address, the Defendant(s) include such person's unknown heirs, successors and assigns, whose identity and location are unknown, unknown owners, such unknown owner's heirs, successors and assigns, and any and all other persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the property which is the subject of the delinquent tax claim in this case.

The following taxing unit(s), whether one or more, is joined as a party herein as required by TEX. TAX CODE § 33.44(a) because it may have a claim and lien for delinquent taxes against all or part of the same property described below: **HARRIS COUNTY, and for certain county-wide taxing authorities which are the Harris County Department of Education, the Port of Houston Authority of Harris County, the Harris County Flood Control District, and the Harris County Hospital District, all of which are included within the references to Harris County made herein.** The foregoing named taxing unit(s), if any, is invited to add its claim by intervening herein.

II.

Claims for all taxes becoming delinquent on said property at any time subsequent to the filing of this suit, up to the day of judgment, including all penalties, interest, attorney’s fees, and costs on same, are incorporated in this suit, and Plaintiff(s) is entitled to recover the same, upon proper proof, without further citation or notice. Plaintiff(s) is further entitled to recover each penalty that is incurred and all interest that accrues on all delinquent taxes imposed on the property from the date of judgment to the date of sale.

III.

As to each separately described property shown below, there are delinquent taxes, penalties, interest, and costs justly due, owing and unpaid to Plaintiff(s) for the tax years and in the amounts as follows, if paid in **December, 2023**:

PROPERTY AND AMOUNTS OWED

ACCT. NO.0810280000032; The East Twenty-Four (E. 24') Foot of Lot Thirty-Two (32) And West Thirty-Four Foot (W. 34') Of Lot Thirty-Three (33), In Block Twenty-Eight (28), Of Reedwoods an Addition in Harris County, Texas, According to The Map or Plat Thereof Recorded in Volume 42, Page 71, Of the Map Records of Harris County, Texas.

CITY OF HOUSTON

	Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
	2022	\$1,042.78	\$496.36	\$1,539.14
TOTALS:		\$1,042.78	\$496.36	\$1,539.14

HOUSTON INDEPENDENT SCHOOL DISTRICT

	Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
	2022	\$2,026.77	\$964.75	\$2,991.52
TOTALS:		\$2,026.77	\$964.75	\$2,991.52

HOUSTON COMMUNITY COLLEGE SYSTEM

	Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
	2022	\$186.75	\$88.89	\$275.64
TOTALS:		\$186.75	\$88.89	\$275.64

TOTAL DUE **\$4,806.30**

The total aggregate amount of taxes, penalties, interest, and attorney’s fees (if any) for which Plaintiff(s) sues is **\$4,806.30**, subject to additional taxes, penalties, interest, and attorney’s fees that accrue subsequent to the filing of this petition.

IV.

All of the taxes were authorized by law and legally imposed in the county in which this suit is brought. The taxes were imposed in the amount(s) stated above on each separately described property for each year specified and on each person named, if known, who owned the property on January 1 of the year for which the tax was imposed. Plaintiff(s) now has and asserts a lien on each tract of real property and each item of personal property described herein to secure the payment of all taxes, penalties, interest and costs due. Pursuant to Rule 54 of the Texas Rules of Civil Procedure, Plaintiff(s) affirmatively avers that all things required by law to be done have been done properly by the appropriate officials and all conditions precedent have been met.

V.

All of the property described above was, at the time the taxes were assessed, located within the territorial boundaries of each taxing unit in whose behalf this suit is brought. All Defendants named in this suit either owned the property that is the subject of this suit on January 1 of the year in which taxes were imposed on said property, or owned or claimed an interest in or lien upon said property at the time of the filing of this suit. The value of any personal property that may be described above, and against which the tax lien is sought to be enforced, is in excess of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).

VI.

The Law Firm represented by the attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of Plaintiff(s). Plaintiff(s) should recover attorney's fees as provided by law for the prosecution of this case, and such attorney's fees should be taxed as costs.

VII.

Plaintiff(s) may have incurred certain expenses in the form of abstractor's costs in procuring data and information as to the name, identity and location of necessary parties, and in procuring necessary legal descriptions of the property that is the subject of this suit. Said expenses, if incurred, are reasonable and are in the following amount: \$600.00. The abstractor's costs, if any be shown, should be taxed as costs herein.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff(s) requests that citation be issued and served upon each Defendant named herein, commanding them to appear and answer herein in the time and manner required by law. Plaintiff(s) further prays, upon final hearing in this cause, for foreclosure of its liens against the above-described property securing the total amount of all delinquent taxes, penalties and interest, including taxes, penalties and interest becoming delinquent during the pendency of this suit, costs of court, attorney's fees, abstract fees, and expenses of foreclosure sale. Plaintiff(s) further prays for personal judgment against Defendant(s) who owned the property on January 1 of the year for which the taxes were imposed for all taxes, penalties, interest, and costs that are due or will become due on the property, together with attorney's fees and abstractor's fees. Plaintiff(s) further prays for: (1) the appropriate order of sale requiring the foreclosed property to be sold, free and clear of any right, title or interest owned or held by any of the named Defendants, at public auction in the manner prescribed by law, and (2) writs of execution, directing the sheriffs and constables for the State

of Texas, to search out, seize, and sell sufficient property of the Defendant(s) against whom personal judgment may be awarded to satisfy the lawful judgment sought herein. Finally, Plaintiff(s) prays for such other and further relief, at law or in equity, to which it may show itself justly entitled. However, Plaintiff(s) do not pray for personal judgment against any defendant(s) identified in paragraph I as IN REM ONLY. Plaintiff(s) pray for costs of court and for such other and further relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP
PO Box 3064
Houston, TX 77253-3064
(713) 844-3580, (713) 844-3502 - Fax



Cynthia Pena Reade
Cynthia.Reade@lgbs.com
State Bar No. 24110206
Angelica M. Hernandez
Angelica.Hernandez@lgbs.com
State Bar No. 00797872
Damon D. Edwards
State Bar No. 24027156
Margaret Alfred
State Bar No. 24104378
Attorneys for Plaintiff(s)

Unofficial Copy Office of Marissa M. Goggan, District Clerk

SUIT NO. 202387647

CITY OF HOUSTON, ET AL

§
§
§
§
§

IN THE DISTRICT COURT

VS.

125TH JUDICIAL DISTRICT

BORRIS L. MILES

HARRIS COUNTY, TEXAS

NOTICE OF DESIGNATION OF ATTORNEY IN CHARGE

TO THE HONORABLE JUDGE OF THE COURT:

Pursuant to TRCP 8, **CITY OF HOUSTON, HOUSTON INDEPENDENT SCHOOL DISTRICT and HOUSTON COMMUNITY COLLEGE SYSTEM** hereby designate Margaret Alfred as Attorney in Charge. Margaret Alfred will be responsible for this case and will be the attorney to receive all communications from the Court and other parties. Notice of this designation has been provided to all parties as required by TRCP 21a.

Respectfully submitted,

LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP
4828 LOOP CENTRAL DRIVE
SUITE 600 (77081)
PO BOX 3064
HOUSTON, TX 77253-3064
(713) 844-3400
(713) 844-3501 - FAX



Margaret Alfred
State Bar No. 24104378
margaret.alfred@lgbs.com
Attorney for Plaintiffs

Unofficial Copy Office of Marilyn Burgess District Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been delivered in the manner required by Rules 21 and 21a, Tex. R. Civ. Proc., to all parties or their attorneys in this cause, on the 12th day of January, 2024, addressed as follows:

Borris L. Miles
5302 Almeda Rd.
Houston, TX 77004



Margaret Alfred
Attorney at Law

Unofficial Copy Office of Marilyn Burgess District Clerk

ENTERED
VERIFIED

CS

2023-87647 / Court: 125

CT1
74274610 7

CITATION

Precinct No. 07
Deputy No. 7c11

STATE OF TEXAS
COUNTY OF HARRIS

Not prepared by the District Clerk.
District Clerk only certifies to the fact the case is on file in his office. The party and the pleading named are a true and correct reflection of the records on file in his office under the above captioned cause number.

IN ADDITION TO THE DELINQUENT TAXES THERE ARE COURT COSTS ASSESSED BY THE DISTRICT CLERK'S OFFICE. FOR COURT COST INFORMATION ONLY CALL (713) 755-5711. FOR TAX AMOUNTS CALL YOUR TAX OFFICE. FOR QUESTIONS CONCERNING THIS LAWSUIT CALL THE ATTORNEY LISTED IN THE PETITION.

FILED
Marilyn Burgess
District Clerk

P-3

Tracking No.

TO: Borris L. Miles
5302 Almeda Rd.
Houston, TX 77004
(Harris County)

SUIT NO.

APR 26 2024
Time: 8:20 AM
By: [Signature]
Mall Processing Clerk

GREETING: YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next after the expiration of 20 days after you were served this citation, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

YOU ARE HEREBY COMMANDED to appear and answer, by filing a written answer, before the Honorable District Court, 125 Judicial District, Harris County, Texas, at the Courthouse of said county in Houston, Texas, at or before 10 o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation, then and there to answer the Petition of **CITY OF HOUSTON, ET AL**, Plaintiff(s), filed in said Court on the 22nd day of December, 2023, against **BORRIS L. MILES**.

The nature of the suit is a demand to collect delinquent ad valorem taxes, penalties, interest, attorney's fees, court costs and abstractor's fees incurred on the property described in Plaintiff(s) Petition, a true and correct copy of which is attached hereto and incorporated herein as if repeated verbatim.

The amount of taxes due Plaintiff(s), exclusive of interest, penalties, and costs, is the sum of \$3,256.30, said property being described as: **The East Twenty-Four (E. 24') Foot of Lot Thirty-Two (32) And West Thirty-Four Foot (W. 34') Of Lot Thirty-Three (33), In Block Twenty-Eight (28), Of Reedwoods an Addition in Harris County, Texas, According to The Map or Plat Thereof Recorded in Volume 42, Page 71, Of the Map Records of Harris County, Texas.; Account No. 0810280000032**

The names of all taxing units that assess and collect taxes on said property, other than the Plaintiff(s) named above, are: HARRIS COUNTY, and for certain county-wide taxing authorities which are the Harris County Department of Education, the Port of Houston Authority of Harris County, the Harris County Flood Control District, and the Harris County Hospital District, all of which are included within the references to Harris County made herein. The foregoing taxing units, if any be shown, are made and joined as parties to this suit and invited to add their claim by intervening herein. There are no taxing units which assess and collect taxes on said property that Plaintiff(s) has failed to join as a party to this suit.

Plaintiff and all other taxing units who may set up their tax claims herein seek recovery of delinquent ad valorem taxes on the property and in addition to the taxes, all interest, penalties, attorney fees, abstractor costs and court costs allowed by law up to and including the date of judgment, post judgment interest at the maximum rate allowed by law and the establishment and foreclosure of liens securing the payment of same, as provided by law.

All parties to this suit shall take notice that claims not only for any taxes which were delinquent on the property at the time this suit was filed but all taxes becoming delinquent at any time thereafter up to the day of judgment, including all interest, penalties, attorney fees, and costs allowed by law may be recovered without further citation or notice to any parties and all parties shall take notice of and plead and answer to all claims and pleadings now on file and which may be filed in this cause by all other parties and by all those taxing units above named, who may intervene and set up their tax claims against the property.

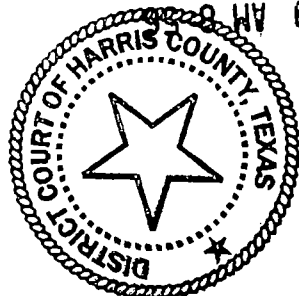
If this citation is not served within 90 days after the date of its issuance, it shall be returned unserved.

THE OFFICER OR OTHER AUTHORIZED PERSON EXECUTING THIS RETURN SHALL PROMPTLY SERVE THE SAME ACCORDING TO THE REQUIREMENTS OF LAW AND THE MANDATES HEREOF AND MAKE DUE RETURN AS THE LAW DIRECTS.

Issued and given under my hand and seal of said Court at Houston, Texas, this 27 day of January, 2024.

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP
PO Box 3064
Houston, TX 77253-3064
(713) 844-3580; (713) 844-3502 - FAX

ATTORNEY FOR PLAINTIFF



MARILYN BURGESS
CLERK OF THE DISTRICT COURTS
OF HARRIS COUNTY, TEXAS
201 CAROLINE 4TH FLOOR
HOUSTON, TX 77002

By: [Signature]
Deputy

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

SUIT NO. _____
OFFICER'S RETURN

CAME TO HAND on the ____ day of _____, _____, at ____ o'clock ____ M. and executed in _____ County, Texas, by delivering in person, a true copy of this citation and petition; to the following Defendant at time and place, to-wit:

DATE	TIME	AM/PM	Borris L. Miles
_____	_____	____.M.	5302 Almeda Rd.
			Houston, TX 77004
			(Harris County)

Where Delivered, if different than that shown:

 _____ Sheriff/Constable

By: _____ County, Texas
 Deputy

ALTERNATE RETURN

(Complete this Alternate Return only if unable to locate defendant)

CAME TO HAND on the ____ day of _____, _____, at ____ o'clock ____ M. and after due and diligent search, I HAVE BEEN UNABLE TO LOCATE the within named Defendant in _____ County, nor have I been able to learn their whereabouts except as follows:

NOTICE

* If Substituted Service of Citation is required on this Defendant *
 The Courts require the following:

1. **A MINIMUM OF SIX (6) ATTEMPTS FOR SERVICE OVER A TWO (2) WEEK PERIOD.**
2. These attempts cannot be on consecutive days.
3. Each attempt at service must be made at different hours of the day (morning, afternoon and evening)
4. Provide a written explanation of what occurred on each attempt at service.
5. Do not use abbreviations.

DATE	TIME	AM/PM	EXPLANATION

 Sheriff/Constable

By _____
 HARRIS COUNTY, TEXAS
 Deputy

Unofficial Copy Office of Travis Burgess District Clerk

Constable Return of Individual

Cause #: 202387647

Tracking #: 74274610

In the case of CITY OF HOUSTON VS MILES, BORRIS L a TAX SUIT-LOCAL and attached PETITION was issued by the 125th Judicial District court of HARRIS County, TX and came to hand on the 9 day of January, 2024 at 8:40AM to be delivered at 5302 ALMEDA RD, houston, TX 77004 by delivering to: MILES, BORRIS L

(Attempted service at 5302 ALMEDA RD, houston, TX, 77004 unless otherwise noted.)

Table with 7 columns: Date, Time, Deputy Name, Agency, Service Attempt Type, Attempted Address, Remarks. Row 1: 4/22/2024, 2:45:00 PM, DUC TA, 7, SERVED, 5302 ALMEDA RD houston TX 77004

Service of Individual

Executed in HARRIS County, Texas by delivering to each of the within name defendant by PERSONALLY SERVING; a true copy of this TAX SUIT-LOCAL together with the accompanying copy of the PETITION, at the following times and places:

Table with 4 columns: Name, Date, Time, Full Address of Service. Row 1: MILES, BORRIS L, 4/22/2024, 2:45PM, 5302 ALMEDA RD houston TX 77004

Fee Due \$ 75.00

by Deputy DUC TA - 7C11

Printed

Deputy Signature

Handwritten signature of DUC TA

Attempts:

1

Total Attempts:

1

May Walker, Constable Precinct #7

Harris County Texas

5290 Griggs Road
Houston Texas 77021
713.643.6118

Unofficial Copy Office of Marilyn Burgess District Clerk

SUIT NO. 202387647

CITY OF HOUSTON, ET AL

§
§
§
§
§

IN THE DISTRICT COURT

VS.

125TH JUDICIAL DISTRICT

BORRIS L. MILES

HARRIS COUNTY, TEXAS

NOTICE OF TRIAL

You are hereby advised that the above referenced cause has been set for Trial at the following time, date and place:

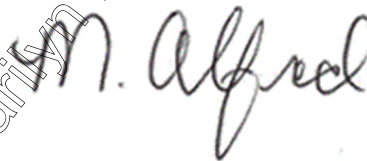
DATE: Friday, August 9, 2024

TIME: 1:30 p.m.

PLACE: 125TH DISTRICT COURT
Harris County Civil Courthouse
201 Caroline Street, 10th Floor
Houston, Texas 77002

Respectfully submitted,

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP
PO Box 3064
Houston, TX 77253-3064
(713) 844-3580, (713) 844-3502 - Fax




Margaret Alfred
State Bar No. 24104378
margaret.alfred@lgbs.com
Attorney for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent to the following by certified mail, hand-delivery, or fax on the **25th day of June, 2024**.

Borris L. Miles
5302 Alameda Rd.
Houston, TX 77004

Office of Harris County
1019 Congress, 15th Floor
Houston, TX 77008
TaxEservice.cao@harriscountytexas.gov
taxlitigation.cao@harriscountytexas.gov



Attorney Certifying