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CAUSE NO. 21-DCV-289421

CARL D RIVERS AND KIMBERLY RIVERS,

*Plaintiffs,*

ESTATE OF CARL ELSON RIVERS, JR.,  
ANNIE R. RIVERS, AND JPMORGAN CHASE  
BANK, N.A.,

*Defendants.*

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IN THE DISTRICT COURT

458th JUDICIAL DISTRICT

FORT BEND COUNTY, TEXAS

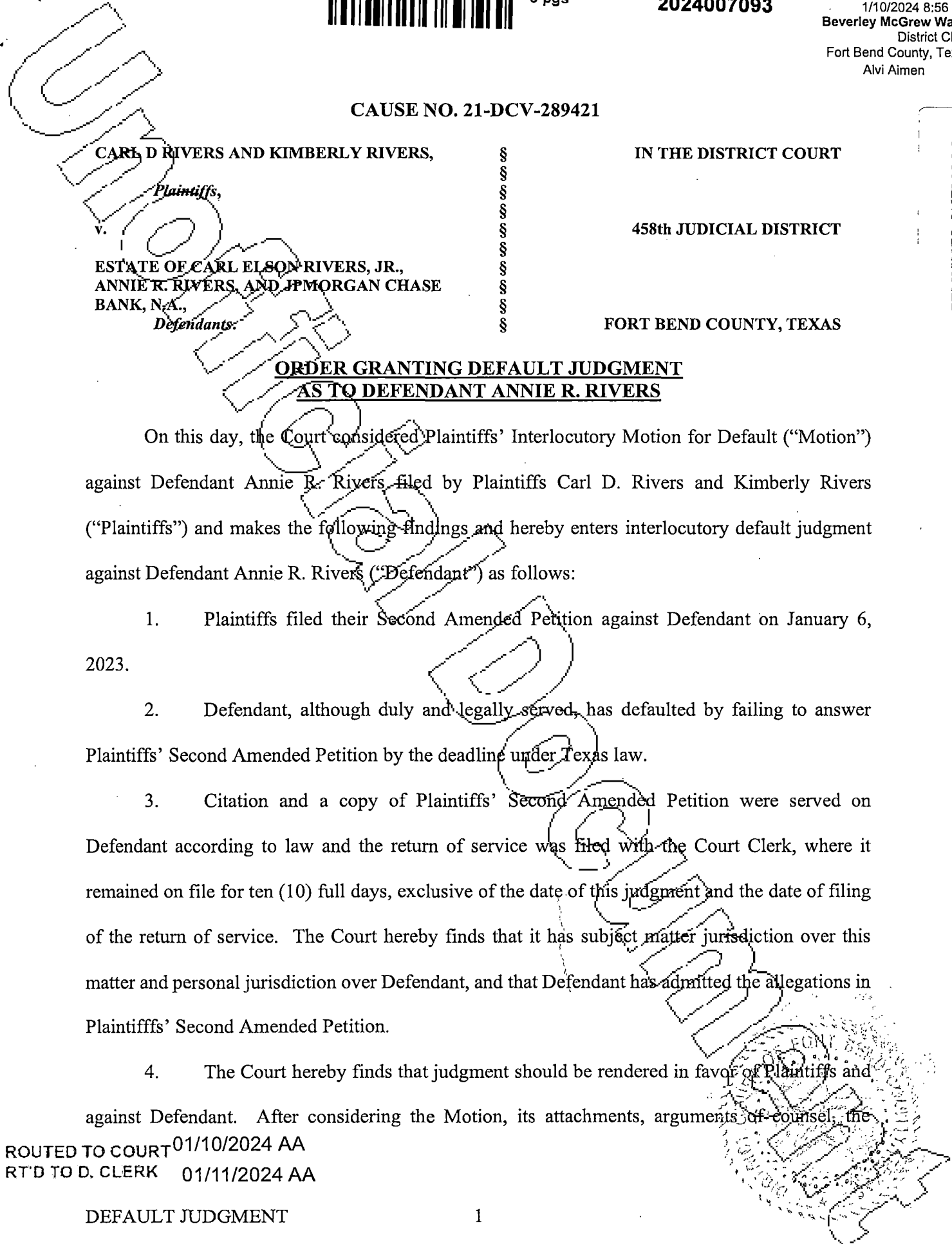
DOCUMENT CERTIFIED

**ORDER GRANTING DEFAULT JUDGMENT  
AS TO DEFENDANT ANNIE R. RIVERS**

On this day, the Court considered Plaintiffs' Interlocutory Motion for Default ("Motion") against Defendant Annie R. Rivers, filed by Plaintiffs Carl D. Rivers and Kimberly Rivers ("Plaintiffs") and makes the following findings and hereby enters interlocutory default judgment against Defendant Annie R. Rivers ("Defendant") as follows:

1. Plaintiffs filed their Second Amended Petition against Defendant on January 6, 2023.
2. Defendant, although duly and legally served, has defaulted by failing to answer Plaintiffs' Second Amended Petition by the deadline under Texas law.
3. Citation and a copy of Plaintiffs' Second Amended Petition were served on Defendant according to law and the return of service was filed with the Court Clerk, where it remained on file for ten (10) full days, exclusive of the date of this judgment and the date of filing of the return of service. The Court hereby finds that it has subject matter jurisdiction over this matter and personal jurisdiction over Defendant, and that Defendant has admitted the allegations in Plaintiffs' Second Amended Petition.
4. The Court hereby finds that judgment should be rendered in favor of Plaintiffs and against Defendant. After considering the Motion, its attachments, arguments of counsel, the

ROUTED TO COURT 01/10/2024 AA  
RTD TO D. CLERK 01/11/2024 AA



pleadings, and all evidence and all other material on file in this case, the Court is of the opinion that default judgment should be, and hereby is, GRANTED in favor of Plaintiffs against Defendant as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that by defaulting Defendant has admitted liability for all claims Plaintiffs asserted in Plaintiffs' Second Amended Petition and Plaintiffs are entitled to judgment on all claims asserted, but Plaintiffs have elected to obtain a judgment on their unjust enrichment, Texas Property Code violations and adverse possession claim and hereby renders judgment on such:

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for unjust enrichment, and violations of the Texas Property Code Section 5 et seq., and that Plaintiffs adversely possessed the Property at issue for a period of more than 10 years;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED:

(a) Defendant is liable for and hereby ordered to pay Plaintiffs damages in the amount of \$164,900;

(b) Defendant is liable for and hereby ordered to pay post-judgment interest at the rate of 5% per annum from the date of this judgment until the date on which the judgment is paid in full, released, or otherwise discharged;

(c) Plaintiffs are awarded fee simple title to the Property located at 4326 Whippoorwill Circle, Missouri City, Fort Bend County, Texas 77459 and more particularly described as: Lot Seven (7) in Block Two (2) Oyster Creek Plantation, Section Two, an Addition in Fort Bend County, Texas, According to the map or plat thereof, Recorded in Slide Nos. 1665/A and 1665/B of the Plat Records of Fort Bend County, Texas;

(d) Defendant is ordered to pay all taxable costs of court;

(e) Plaintiffs are hereby awarded all writs and processes for enforcement of collection of this judgment as are necessary; and

(f) This judgment shall be recorded in the real property records of Fort Bend County, Texas.

(g) This judgment resolves all claims and all parties and constitutes a final and

appealable judgment.

SIGNED this \_\_\_\_\_ day of 1/10/2024, 2024.

  
\_\_\_\_\_  
JUDGE PRESIDING

Unofficial Document



**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.

Jason LeBoeuf on behalf of Jason LeBoeuf

Bar No. 24032662

jason@leboeuf-lawfirm.com

Envelope ID: 83257476

Filing Code Description: Proposed Order

Filing Description: Order Granting Default Judgment as to Defendant

Annie R Rivers

Status as of 1/10/2024 9:00 AM CST

Associated Case Party: JPMorgan Chase Bank, N.A.

Name	BarNumber	Email	TimestampSubmitted	Status
Wm. LanceLewis		l Lewis@qslwm.com	1/10/2024 8:56:59 AM	SENT
Gregory M.Sudbury		gsudbury@qslwm.com	1/10/2024 8:56:59 AM	SENT
Tiffany Gilbert	24058776	tiffany.gilbert@fnf.com	1/10/2024 8:56:59 AM	SENT
Gregory T. Brewer	792370	gregory.brewer@fnf.com	1/10/2024 8:56:59 AM	SENT

Associated Case Party: Carl D. Rivers

Name	BarNumber	Email	TimestampSubmitted	Status
Sebastian Filgueira		sebastian@lozanoattorney.com	1/10/2024 8:56:59 AM	SENT
Jason Andrew Leboeuf	24032662	jason@leboeuf-lawfirm.com	1/10/2024 8:56:59 AM	SENT

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Rachel M.Perez		rachel.m.perez@fnf.com	1/10/2024 8:56:59 AM	SENT
Eric Dworak		eric.dworak@fnf.com	1/10/2024 8:56:59 AM	SENT

I, BEVERLEY MCGREW WALKER, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.

This 25 day of January, 2024



BEVERLEY MCGREW WALKER

Deputy

XENIA CARBAJAL

RETURNED AT COUNTER TO:

CAR RIVERS

4326 WHIPPOORWILL CR

MISSOURI CITY TX 77459

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Laura Richard*

Laura Richard, County Clerk

Fort Bend County Texas

January 25, 2024 11:39:21 AM

FEE: \$27.00 AH1

2024007093



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