

No. _____

ALLISON M PRITCHETT & CLINTON H DOERR	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
	§	
HARRIS CENTRAL APPRAISAL DISTRICT	§	JUDICIAL DISTRICT
Defendant		

PLAINTIFF’S ORIGINAL PETITION

ALLISON M PRITCHETT & CLINTON H DOERR, Plaintiff or Plaintiffs, file(s) this appeal (see Texas Property Tax Code generally (“the Code”), including, but not limited to Chapters 23, 25, 41 and 42), and would show the Court the following:

I. Discovery Plan

Plaintiff intends to conduct Level 2 discovery pursuant to Texas Rule of Civil Procedure 190.3.

II. Parties

Plaintiff(s) are the party entitled to bring this appeal. Defendant is the HARRIS CENTRAL APPRAISAL DISTRICT (“CAD”). Defendant may be served with process on the Chief Appraiser of the CAD, or Roland Altinger, at 13013 Northwest Freeway, Houston, TX, 77040 or any other employee or officer of the CAD authorized by law to accept service.

III. Jurisdiction and Venue

Jurisdiction for this appeal is set forth in the Code, including Chapters 42, 25, 41 and 23. Venue is proper as the property is in the county, or venue is otherwise provided by statute.

IV. Conditions Precedent

All conditions precedent to a trial de novo before this Court have been performed or have occurred. All administrative remedies have been exhausted and the Board’s decision is final and appealable.

V. Appeal

The subject of this appeal is described as follows and in the appraisal review board order and the following documents included and incorporated herein:

Property Description: 3731 Albans Rd

Account Number(s): 0681250190008

YEAR: 2024

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Mailing Address:
Appraisal Review Board
P.O. BOX 920975
Houston, TX 77292-0975
*** 0681250190008***



Appraisal Review Board
Of Harris Central Appraisal District
13013 Northwest Fwy., Houston, Texas
Information Center: (713)957-7800

PROPERTY DESCRIPTION:
TRS 8 & 9A BLK 5
SUNSET TERRACE SEC 9

PROPERTY LOCATION:
3731 ALBANS RD
HOUSTON, TX 77005

0681250190008 2024 46312 20240607 11459
PRITCHETT ALLISON M
O'CONNOR & ASSOCIATES
2200 NORTH LOOP W STE 200
HOUSTON TX 77018-1754

DATE: 06/17/2024
ACCOUNT #: 0681250190008
YEAR: 2024
*** 2024***

Order of the Appraisal Review Board

The above property owner filed a notice of protest concerning the appraisal records for the tax year shown. The protest was timely filed.

The Appraisal Review Board and/or Chairman issued an Agreed Order pursuant to Texas Tax Code §41.47(f) & (g) and your agreement with the Chief Appraiser as follows:

	Market Land	Market Improvement	Market Total	Appraised/Homestead CAP
Previous Value:	\$1,080,000	\$852,226	\$1,932,226	\$1,788,430
Final Value:	\$1,080,000	\$728,252	\$1,808,252	\$1,788,430

The board therefore ORDERED that the Chief Appraiser change the appraisal records accordingly.

Your taxes will be based on the final appraised value indicated above.

THE APPRAISAL REVIEW BOARD MADE A FINAL DECISION ON YOUR PROTEST.

A PROPERTY OWNER HAS THE RIGHT TO APPEAL TO DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING (1) A PROTEST AS PROVIDED BY SUBCHAPTER C OF CHAPTER 41, TEXAS TAX CODE, OR (2) A MOTION FILED UNDER SECTION 25.25, TEXAS TAX CODE. TO APPEAL TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL APPRAISAL REVIEW BOARD ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD. FAILURE TO TIMELY FILE A PETITION WITHIN THE 60-DAY DEADLINE BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THEIR RIGHT TO APPEAL AN ORDER OF THE APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO SECTION 41.07, TEXAS TAX CODE.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration, or to the State Office of Administrative Hearings, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Section 41.41(a)(1) of the Texas Tax Code concerning the appraised or market value of property if:

- (1) The property qualifies as the owner's residence homestead under Section 11.13 of the Texas Tax Code; or
- (2) The appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

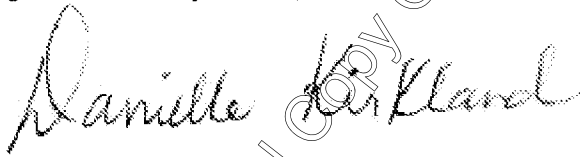
- (1) A completed request for binding arbitration, a copy which is enclosed with this notice; and
- (2) An applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Section 41.41(a)(1) or (2) of the Texas Tax Code if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million. To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order.

- (1) A completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) Not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to district court, you should consult Texas Tax Code, Chapter 42 and the clerk of the court. For more information regarding appeal through binding arbitration, you should consult Texas Tax Code, Chapter 41A and related Comptroller rules. For more information regarding appeal to SOAH, you should consult Texas Government Code, Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

Signed this 7th day of June, 2024



Danielle Kirkland
Chairman
Appraisal Review Board

Section 23.01, et seq. of the Texas Property Tax Code requires that the CAD appraise all taxable property as of January 1. The CAD appraised the property described above (the "Property"). Plaintiff(s) timely filed an administrative protest or motion for correction of the appraisal. No agreement as to an appraised value was reached between Plaintiff(s) and the Chief Appraiser or the CAD. The Appraisal Review Board issued an order determining the protest or failed to issue an order as required. The Appraisal Review Board's order or notice regarding the protest or motion is incorporated herein.

Plaintiff(s) are entitled to judicial review of the CAD's appraisal pursuant to the Code, including Section 42.23 of the Code.

Plaintiff(s) are entitled to relief as provided by Section 42.24 of the Code, provisions of the Code in general, and seek that relief.

Plaintiff(s)' property is excessively appraised, and Plaintiff(s) are entitled to the relief as provided by Section 42.25 of the Code and seek that relief.

Plaintiff(s)' property is unequally appraised, and Plaintiff(s) are entitled to the relief as provided by Section 42.26 of the Code and seek that relief.

Plaintiff(s) intend to comply with the provisions of Section 42.08 by timely paying all taxes due, or the taxes due on the undisputed portion of the value of the property or providing a payment plan for the taxes due. If unable to timely pay the lesser of required amounts, Plaintiff(s) hereby request relief from the Court. A dismissal of this case would deprive Plaintiff(s) of access to the Court and due process of law.

The levying of a tax on Plaintiff(s)' property based upon a valuation which is excessive and/or unequal, or without consideration of a lawful exemption, is an unlawful levy, creates an illegal lien on Plaintiff(s)' property, and violates the Texas Constitution.

Plaintiff(s) are entitled to recover attorney's fees as provided by law. Plaintiff(s) sue for those fees through trial and for any appeals of the case.

In accordance with Rule 47 of the Texas Rules of Civil Procedure, Plaintiff(s) seek monetary relief of \$100,000 or less and non-monetary relief.

Plaintiff(s) object to the entry by the Court of an Order of referral of this case to alternative dispute resolution.

Plaintiff(s) request that the Court enter an Order setting this matter for trial pursuant to the Rules and at the earliest reasonable time.

VI. REQUEST FOR INFORMAL SETTLEMENT CONFERENCE

Plaintiff formally requests that the Appraisal District engage in settlement discussions through an informal settlement conference, as soon as practical, pursuant to § 42.227 of the Texas Property Tax Code.

VII. PLAINTIFF(S)' RULE 194 DISCLOSURES AND EXPERT DESIGNATION

Pursuant to Rule 194.2 Plaintiff(s) make the following Response to the Request for Disclosure served by Defendant:

A. *Correct names of the Parties to the Lawsuit*

- 1) Plaintiff(s): See named Plaintiff(s)
- 2) Defendant(s): See named Defendant(s)

B. *Potential Parties*

Plaintiff is unaware of any potential parties to this lawsuit that are not already named herein.

C. *Legal Theories and Factual Basis of Claims*

Pursuant to Chapters 23, 25, 41 and/or 42 of the Texas Property Tax Code (the "Code"), Plaintiff(s) are entitled to appeal the determination of an appraised, market or assessed value of their property by the Appraisal District or the Appraisal Review Board of the Appraisal District (the "Board"), or any determination by the Board regarding substantial error or corrections, application or denial of exemptions, or notice and hearing; or seek an order from the Court regarding the value or a hearing. Plaintiff(s) are entitled to relief as the property is unequally appraised, excessively appraised, and/or the CAD denied an applicable exemption or improperly appraised the property.

The CAD failed to carry its burden at the administrative level. The Appraisal Review Board did not provide Plaintiff(s) with a proper hearing on its protests. Plaintiff(s) by law are entitled to relief and recovery of attorney's fees and costs, through trial and any necessary appeal.

D. *Amount and Calculation of Economic Damages*

Plaintiff(s)' causes of action are statutory in nature. Damages relate to the appraised value of the property and attorney's fees. Plaintiff(s)' attorney's fees are calculated by multiplying the number of attorney hours reasonably spent prosecuting Plaintiff(s)' by a reasonable hourly rate of \$150.00 per hour to \$250.00 per hour. Anticipated fees are between \$5,000 and \$20,000 through trial, and \$5,000 per level of appeal.

E. *Persons with Knowledge of Relevant Facts*

The following persons have knowledge of relevant facts and relate to the case as follows:

1. **The Chief Appraiser of Defendant, members of the appraisal review board, and any employees of Defendant with knowledge of the subject property.**

c/o Defendant's attorney

Connection to case: These persons are employed by Defendant and the Board and have knowledge concerning Plaintiff's property.

2. **Clemetric R. Frazier & Craig J. McClelland**

FRAZIER & ASSOCIATES, PLLC

2200 North Loop West, Suite 333

Houston, Texas 77018
(281) 819-2719

Connection to case: These persons have knowledge regarding necessary, reasonable, and customary attorneys' fees for representation of Plaintiff in this case.

3. Plaintiff's Representative

FRAZIER AND ASSOCIATES, PLLC
2200 North Loop West, Suite 333
Houston, Texas 77018
(281) 819-2719

Connection to case: These persons have knowledge regarding the subject property and the appraised value and the proper appraised value for the subject property.

4. Ryan Lin, Michael Miller, Gregory S. Zachary, H.E. "Skip" Preble, Bagus Priambodo, Reagan Schwarzlose

PROPERTY ANALYTIX LLC
2855 Mangum, Suite 210
Houston, Texas 77092
(346) 571-7075

Connection to case: These persons have knowledge regarding the subject property and the appraised value and the proper appraised value for the subject property.

F. Testifying Experts, Expert Designation

The following persons may testify as experts in this case:

1. Clemetric R. Frazier & Craig J. McClelland

FRAZIER & ASSOCIATES, PLLC
2200 North Loop West, Suite 333
Houston, Texas 77018
(281) 819-2719

Subject Matter: Reasonable and necessary attorneys' fees General Substance of Opinions and Brief Summary of Basis: The fees incurred by Plaintiff for the prosecution of this case are necessary, reasonable, and customary. The reasonable attorneys' fee for services rendered in this matter is at least \$150.00 to \$250.00 per hour based upon the pleading, discovery, and trial time. The fee through trial of this cause would be approximately \$5,000 to \$15,000. Appellate fees would be at least \$5,000 per level of appeal.

2. Patrick O'Connor

O'CONNOR & ASSOCIATES
2200 North Loop West
Houston, Texas 77018
(713) 686-9955

Subject Matter: Mr. O'Connor may testify concerning the proper appraised value for Plaintiff's property.

Opinions and Brief Summary of Basis: Opinions on unequal appraisal, excessive appraisal, and the hearing process to be produced in written reports or available by deposition testimony pursuant to the rules or were submitted at the protest hearing. See also information and biography on the internet at www.pconnor.com and www.cutmytaxes.com.

3. Ryan Lin, Michael Miller, Gregory S. Zachary, H.E. "Skip" Preble, Bagus Priambodo, Reagan Schwarzlose

PROPERTY ANALYTIX LLC
2855 Mangum, Suite 210
Houston, Texas 77092
(346) 571-7075

Subject Matter: The experts will testify concerning the appraised value of Plaintiff's property.

Opinions and Brief Summary of Basis: Opinions on unequal appraisal and excessive appraisal will be produced in written reports or is available by deposition testimony pursuant to the rules. As reported, the expert is of the opinion that the property is unequally and excessively appraised. See also reports and evidence produced by Plaintiff at the administrative hearing. The expert has knowledge concerning the description, condition, and operation of the subject property, as well as the appraisal of the property by Defendant. The expert has knowledge concerning sales of properties and appraised values of properties. The expert has knowledge concerning the Board and Appraisal District's methodologies in appraising property. The expert will also rely on principles found in, and information from, USPAP and the Appraisal of Real Estate, Defendant's Commercial Appraisal Manual, Mass Appraisal Report, and other publications, opinions by the appellate courts of the state of Texas, and legal opinions. For expert testimony, the expert is hired by Plaintiff's agent on an hourly or flat fee basis. Plaintiff's expert may review, re-adopt, refine or otherwise confirm prior opinions and reports. *See Exxon Corp. vs. West Texas Gathering Co.*, 868 S.W.2d 299 (Tex. 1993) and the Texas Rules of Civil Procedure.

4. The Chief Appraiser of Defendant, members of the appraisal review board, and any employees of Defendant with knowledge of the subject property.

Subject Matter: The appraisal of Plaintiff's Property.

Opinions and Brief Summary of Basis: Plaintiff anticipates that this information will be included in Defendant's discovery responses and/or other testimony provided in connection with this lawsuit.

5. Any agent or employee of Plaintiff's agent that dealt with the Property as part of the administrative process.

O'CONNOR & ASSOCIATES
2200 North Loop West, Suite 200
Houston, Texas 77018
(713) 686-9595

Subject Matter: The proper appraised value for Plaintiff's Property.

Opinions and Brief Summary of Basis: Opinions on unequal appraisal, excessive appraisal, and the hearing process to be produced in written reports or available by deposition testimony pursuant to the rules or were submitted at the protest hearing. *See also* information and biography on the internet at www.pconnor.com and www.cutmytaxes.com.

6. Plaintiff's Representative

FRAZIER & ASSOCIATES, PLLC
2200 North Loop West, Suite 333
Houston, Texas 77018
(281) 819-2719

Subject Matter: Opinion of proper appraised value of the property.

Opinions and Brief Summary of Basis: Opinions on unequal appraisal and excessive appraisal to be produced in written reports or available by deposition testimony pursuant to the rules. Unless otherwise disclosed this person will adopt the opinions provided by the other experts or as disclosed in supplemental responses to interrogatories, and includes the opinions and

information submitted at the administrative hearing all of which are in the possession of Defendant or will be provided in supplemental responses to request for disclosure.

G. *Plaintiff's Available Documents*

Plaintiff may use the following documents, if applicable, regarding the subject property to support its claims and defenses:

- 1) Financial Records;
- 2) Photos of subject property or comparable properties;
- 3) Records regarding Deferred Maintenance or Repair Estimates;
- 4) Purchase or Sales Documents and/or;
- 5) Plaintiff's Expert Report(s).

Further, Plaintiff(s) may use to support its claims any and all documents related to the claims made in the petition that the Plaintiff's property was excessively appraised, unequally appraised, and/or that the Plaintiff(s) was improperly denied a proper hearing pursuant to the Texas Property Tax Code. They include all documents produced by either party at any Appraisal Review Board hearing during the administrative process as well as documents any documents identified or produced by the Defendant in discovery responses.

H. *Indemnity and Insurance Agreements*

I. *Discoverable Settlement Agreements*

J. *Discoverable Witness Statements*

K. *Medical Records Available*

L. *Medical Records Obtained*

M. *Responsible Party(s)*

None known of, or inapplicable, other than parties to this appeal {I}.

VIII. DOCUMENTS RESPONSIVE TO REQUEST FOR DISCLOSURE AND PRODUCTION

Pursuant to the Rules, Defendant is advised that Plaintiff(s) intend to use any or all the documents produced by Plaintiff(s) or Defendant in response to Request for Disclosure, response to Request for Production, or any supplements thereto, as evidence at the time of trial. Plaintiff(s) will also use photographs of the subject property, comparable properties, and other properties as evidence at the time of trial.

IX. TRIAL PREPARATION ORDER OR PRE-TRIAL ORDER INFORMATION

Plaintiff(s) submit the information as set forth below as Plaintiff(s)' Trial Preparation Order or for the Pre-Trial Order if required by the Court.

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff(s) submit this as its Trial Preparation Order.

Party/Attorney List:

Plaintiff: See Plaintiff named in Petition.

Plaintiff's Attorneys: Frazier and Associates, PLLC, Clemetric R. Frazier & Craig J. McClelland, 2200 North Loop West, Suite 333, Houston, Texas 77018, (281) 819-2719.

Witness List:

Plaintiff(s) intends to call the following witnesses:

1. Michael Miller, Ryan Lin, Gregory S. Zachary, H. E." Skip "Preble, Bagus Priambodo, Reagan Schwarzlose
2. Clemetric R. Frazier & Craig J. McClelland
3. Plaintiff(s)' representative or agent
4. Any fact or expert witness designated by Plaintiff(s) or Defendant.

Draft Findings and Conclusions:

Proposed Findings of Fact

- 1) The appraised value of the subject property exceeds the median of the appraised values of a of a reasonable number of comparable properties appropriately adjusted. The proper appraised value for the tax year based upon unequal appraisal is \$_____.
- 2) The appraised value of the subject property is excessive. The proper appraised value for the tax year based upon excessive value if \$_____.
- 3) Plaintiff(s) necessary and reasonable attorney's fees incurred for representation in this matter are the sum of \$_____ and necessary and reasonable attorney's fees for appeal are the sum of \$_____ for each level of appeal.

Proposed Conclusions of Law

- 1) The appraised value of the property at issue on the appraisal roll of the County Appraisal District should be changed to reflect the appraised values set forth below and as referenced in the findings as the lower value.
- 2) Plaintiff(s) are entitled to an award of reasonable attorney's fees in the amount of \$_____ through trial and the amount of \$_____ for each level of appeal.

<u>Year(s)</u>	<u>Account #</u>	<u>Appraised Value</u>
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Plaintiff's Exhibit List:

- (1) Resume of Plaintiff(s)' testifying expert
- (2) Expert Report on Equity
- (3) Expert Report on Appraised Value
- (3) Resume of Plaintiff(s)' attorney

- (4) Photographs of Subject, comparables, and information sheets
- (5) Defendant's evidence submitted at administrative hearing, and reports by Defendant's expert

Deposition Excerpts or Edited Videotapes: None anticipated.

Motions in Limine: None anticipated.

Trial Scheduling: Plaintiff(s) estimate that the trial of this cause will take one day.

X. PRAYER

WHEREFORE, Plaintiff(s) request that Defendant be cited to appear and answer, and that on final trial, the Court render judgment (according to the Code):

1. Setting the appraised value and/or market value and/or assessed value of Plaintiff(s)' property as of January 1 of the year(s) set forth in the petition below the final value determined by the ARB and the CAD;
2. Compelling imposition of the proper assessed/appraised value of Plaintiff(s)' property according to its value due to unequal, excessive and/or incorrect appraisal, proper property characterization, exemption, description of the property or other remedy provided by the Code;
3. If appropriate, granting of an ARB hearing, allowance of an exemption, or other relief to which Plaintiff(s) are entitled based upon the administrative protest;
4. Monetary relief of \$100,000 or less and non-monetary relief as plead; and
5. Awarding Plaintiff(s) costs incurred, reasonable attorney's fees through trial, attorney's fees on appeal, and all other relief to which Plaintiff(s) may be entitled.

RESPECTFULLY SUBMITTED,

FRAZIER & ASSOCIATES, PLLC

By: /s/ Clemetric R. Frazier

Clemetric R. Frazier

State Bar No. 24051621

By: /s/ Craig J. McClelland

Craig J. McClelland

State Bar. No. 24039044

2200 North Loop West, Suite 333

Houston, Texas 77018

(281) 819-2719

eservice@frazierlawpllc.com

www.frazierlawpllc.com

ATTORNEYS FOR PLAINTIFF(S)



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

8/2/2024 8:51:29 AM
Marilyn Burgess - District Clerk
Harris County
Envelope No: 90465039
By: MATTHEWS, CHRISTOPHER O
Filed: 8/2/2024 8:51:29 AM

Request for Issuance of Service

CASE NUMBER: _____ CURRENT COURT: _____

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

FILE DATE: 8/2/24 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Harris Central Appraisal District

Address of Service: 13013 Northwest Fwy

City, State & Zip: Houston, TX 77040

Agent (if applicable) Chief Appraiser, Roland Altinger or any other employee or officer of the CAD authorized by law to accept service

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- Citation Citation by Posting Citation by Publication Citations Rule 106 Service
- Citation Scire Facias Newspaper _____
- Temporary Restraining Order Precept Notice
- Protective Order
- Secretary of State Citation (\$12.00) Capias (not by E-Issuance) Attachment (not by E-Issuance)
- Certiorari Highway Commission (\$12.00)
- Commissioner of Insurance (\$12.00) Hague Convention (\$16.00) Garnishment
- Habeas Corpus (not by E-Issuance) Injunction Sequestration
- Subpoena
- Other (Please Describe) _____

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ATTORNEY PICK-UP (phone) _____
- MAIL to attorney at: _____
- CONSTABLE
- CERTIFIED MAIL by District Clerk
- E-Issuance by District Clerk
(No Service Copy Fees Charged)
Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.
- CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
- OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: Clemetric R. Frazier Bar # or ID 24051621

Mailing Address: 2200 North Loop West, Suite 333, Houston, Texas 77018

Phone Number: (281) 819-2719