

CAUSE NO. \_\_\_\_\_

REAL AMERICAN REAL ESTATE  
*Plaintiff,*

IN THE DISTRICT COURT

v.

\_\_\_\_\_ JUDICIAL DISTRICT

JUAN BLANCO JR., MICHAEL AARON  
MARTINEZ, DECLARATION TITLE  
COMPANY, LLC, DANMAISORO  
CAPITAL LLC, and BELINDA LARA,  
*Defendant.*

HARRIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff **REAL AMERICAN REAL ESTATE, LLC** ("Real American" or "Plaintiff") and files its Original Petition against Defendants Juan Blanco, Jr. ("Juan Jr."), Michael Aaron Martinez ("Martinez"), Declaration Title Company, LLC ("Declaration Title"), Danmaisoro Capital, LLC ("Danmaisoro"), and Belinda Lara ("Lara") (collectively, "Defendants") and, in support hereof, respectfully shows the Court as follows:

**I.**  
**DISCOVERY LEVEL**

1. This case will be conducted under Discovery Level 2 pursuant to Texas Rule of Civil Procedure 190.3.

**II.**  
**PARTIES**

2. Plaintiff Real American Real Estate LLC is a limited liability company doing business in Harris County, Texas.

3. Defendant Juan Blanco, Jr. is an individual residing in the state of Texas with his home address being 925 Joseph St., Pasadena, TX 77506.

4. Defendant Michael Aaron Martinez is an individual residing in the state of Texas with his home address being 7979 Buller Rd., Pattison, TX 77423. Plaintiff requests service at this time.

5. Defendant Declaration Title Company, LLC is a limited liability company doing business in Harris County, Texas. Declaration Title may be served through its registered agent for service of process, Orval L. Marlow II, at 520 Post Oak Blvd., Ste. 700, Houston, TX 77027. Plaintiff requests service at this time.

6. Defendant Danmaisoro Capital, LLC is a limited liability company doing business in Harris County, Texas. Danmaisoro may be served through its registered agent for service of process, Republic Registered Agent, LLC at 17350 State Hwy 249, Ste. 220, Houston, TX 77064. Plaintiff requests service at this time.

7. Defendant Belinda Lara is an individual residing in the state of Texas with her home address being 10318 Grandbrook Dr., Houston, TX 77089. Plaintiff requests service at this time.

**III.**  
**JURISDICTION AND VENUE**

8. Real American asserts claims within the jurisdiction of this Court. The claims arise out of transactions that occurred in Harris County, Texas and the Defendants either reside in or transact business in Harris County. The real property and improvements upon which the claim is based is situated in Harris County Texas. Pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a), venue is proper in Harris County.

**IV.**  
**FACTS**

9. On or around November 9, 2023, Real American entered into a contract with the Estate of Juan Vigil Blanco Sr. to purchase a property commonly known as 925 Joseph St.,

Pasadena, Texas 77506 (the “Property”) through Juan Blanco Sr.’s heirs: Juan Vigil Blanco (known also as “Johnny White” or “Juan Jr.”), Richard Blanco, and Robert Blanco. The property bears the following legal description:

LOTS 50, 51 AND 52 OF SATSUMA PLACE, SECTION TWO,  
A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING  
TO MAP OR PLAT THEREOF RECORDED IN VOLUME 22,  
PAGE 64 OF THE MAP RECORDS OF HARRIS COUNTY,  
TEXAS

10. Robert Blanco refused to close by the date specified in the Contract. On November 21, 2023, Real American filed a Memorandum and Mechanic’s Lien on the Property in the Real Property Records of Harris County to indicate its interest in the Property, claiming \$2,500 in unpaid labor pursuant to the Contract. Ex. A. Real American believed that the issue would be resolved upon further discussion.

11. On March 26, 2024, Juan Jr. filed an affidavit of heirship in the Real Property Records of Harris County indicating that Juan Blanco Sr. died and his interest in the Property. Ex. B. The affidavit indicated only Richard and Juan Jr. were heirs. *Id.* The affidavit did not include Robert Blanco as an heir. *See id.*

12. On April 15, 2024, Defendant Martinez, an escrow officer for Defendant Declaration Title, directly messaged Douglas Aguilar, a Member of Real American. Martinez sought to get Real American to release of the Memorandum and Mechanic’s Lien. Aguilar did not consent to releasing either.

13. On April 19, 2024, Juan Jr. executed an affidavit of use and possession, purporting in part that no other person or legal entity had ever asserted a claim of ownership or said premises, or any right, title, or interest therein. Ex. C. Such a representation was untrue, since Real American possessed an interest in the Property at the time. The document was notarized by Martinez, who

knew the document to be false at the time of execution since he had previously contacted Real American concerning its interest in the Property. *See id.*

14. Over the next month, Porferia Martinez Reyes, Maria Martinez Rivera, Eleuteria Blanco Fernandez, Francisca Blanco Mendoza, and Richard Blanco conveyed interests in the Property to Juan Blanco by general warranty deed. Exs. D–E. The changes in title were recorded in the Real Property Records of Harris County, Texas.

15. Within a few days of the title transfer, a forged Release of Affidavit for Mechanic’s Lien for the Property (the “Release”) appeared in the Real Property Records of Harris County. Ex. F. The Release claimed that the claim of \$2,500 had been paid to Real American, and therefore Real American sought a release. *Id.* No such monies had been paid, and Real American did not desire to release its lien.

16. In the signature area of the Release, the Aguilar’s signature for Real American had been forged. *See id.* Aguilar did not sign the release, nor had any knowledge of the Release’s existence until it appeared in the Real Property Records of Harris County. Despite this, notary Belinda Lara (or an individual with access to her notary stamp), claimed Aguilar personally appeared before her. *Id.*

17. The same day, Juan Jr. conveyed the Property via Warranty Deed with Vendor’s Lien to Defendant Danmaisoro in exchange for a promissory note of \$183,750.00. Ex. G. Martinez appeared as a notary, despite Martinez’ being aware that Real American possessed an interest in the Property and that Real American had not released its lien or memorandum. *See Ex. G.*

18. Upon information and belief, Defendant Danmaisoro directed, instructed, or facilitated the placement of the fraudulent Release into the Real Property Records of Harris County, as demonstrated by the common usage of Martinez and Lara as a notary. Defendant

Declaration Title permitted the transaction to close despite being aware of Real American's interest in the Property. To protect its interest in the Property, Real American now files suit.

**VI.**  
**CAUSE OF ACTION**

**A. CIVIL CONSPIRACY TO COMMIT THEFT AND FORGERY (All Defendants)**

19. Real American incorporates by reference all preceding allegations of this Original Petition.

20. An action for civil conspiracy requires five elements: (1) a combination of two or more persons; (2) the persons seek to accomplish an object or course of actions; (3) the persons reach a meeting of the minds on the objects or course of action; (4) one or more unlawful, overt acts are taken in pursuance of the object or course of action; and (5) damages occurs as a proximate result.

21. The Defendants are two or more persons.

22. The Defendants sought to facilitate a transfer of the Property without compensating Real American for its interest.

23. The Defendants reached a meeting of the minds on how to transfer the Property without properly compensating Real American.

24. Forgery under the Texas Penal Code § 32.31 requires a person to forge a writing with the intent to defraud or harm another.

25. One or more of the Defendants committed forgery by executing a writing not authorized by Douglas Aguilar with the intent to deprive Real American of its interests.

26. Theft under the Texas Civil Practice and Remedies Code 134.002 requires an individual to unlawfully appropriate property.

27. Defendants committed theft by unlawfully dissolving Real American's interest in the Property to obtain the Property free of Real American's interest.

28. Real American incurred damages as a result of Defendants' improperly dissolving its interest in the Property.

29. Real American seeks specific performance conveying the Property under the terms of the contract in addition to attorney's fees incurred in addressing Defendants' breach.

**B. TORTIOUS INTERFERENCE (Defendants Declaration Title, Danmaisoro, Martinez)**

30. Real American incorporates by reference all preceding allegations of this Original Petition.

31. The elements of tortious interference are: (1) an existing contract subject to interference, (2) a willful and intentional act of interference with the contract, (3) that proximately caused the plaintiff's injury, and (4) caused actual damages or loss. *Prudential Ins. Co. of America v. Fin. Review Servs., Inc.*, 29 S.W.3d 74, 77 (Tex. 2000).

32. Real American possessed an existing contract subject to interference with Juan Jr.

33. Defendants Declaration Title, Danmaisoro, and Martinez intentionally interfered with Real American's contract by improperly dissolved its interest in the Property and disregarding that Real American had the Property under contract.

34. Said Defendants further interfered by forging Douglas Aguilar's signature on the Release.

35. Said Defendants further interfered by selling or facilitating the sale of the Property to Danmaisoro.

36. Real American lost its interest in the Property as the result of the Property being sold to Danmaisoro and lost the benefit of its bargain from the contract.

37. Real American suffered actual damages.

**C. DECLARATORY JUDGMENT (Defendant Danmaisoro)**

38. Real American incorporates by reference all preceding allegations of this Original Petition.

39. Real American hereby petitions this Court for a declaration pursuant to the Declaratory Judgment Act, Chapter 37 of the Texas Practice and Remedies Code.

40. As described above, there exists a dispute as to the status of Real American's interest in the Property between Defendant Danmaisoro and Real American.

41. Real American asks this Court to declare Real American's interest as described in the Memorandum and Materialman's Lien improperly dissolved and to reinstate Real American's interest.

**D. NEGLIGENCE (Defendants Declaration Title and Martinez)**

42. Real American incorporates by reference all preceding allegations of this Original Petition.

43. Pursuant to Tex. R. Civ. P. 48, Real American alleges in the alternative negligence by Declaration Title and Martinez. The elements of negligence are: (1) a legal duty owed by one person to another; (2) a breach of that duty; and (3) damage proximately caused by the breach. *Doe v. Boys Club of Greater Dallas, Inc.*, 907 S.W.2d 472, 477 (Tex. 1995).

44. Defendants Declaration Title and Martinez owed Real American a duty to exercise reasonable care.

45. Defendants failed to exercise reasonable care by permitting the Property to close despite knowing of Real American's interest.

46. Real American suffered damages as a result of Defendants' breach of duty.

**VII.**  
**PRAYER**

WHEREFORE, Real American prays Defendants be cited to appear and answer herein, and upon trial the Court issues an order:

- A. Awarding Real American its damages proven at the time of trial;
- B. Awarding Real American its reasonable and necessary attorney's fees and costs;
- C. Awarding Real American prejudgment and post-judgment interest;
- D. Reinstating Real American's Memorandum and Mechanical Lien on the Property;
- E. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

**GALLOWAY, JOHNSON, TOMPKINS,  
BURR & SMITH, A PLC**

By:     //s// Branch M. Sheppard    

Branch M. Sheppard

State Bar No. 24033057

[bsheppard@gallowayjohnson.com](mailto:bsheppard@gallowayjohnson.com)

Annarose M. Harding

State Bar No. 24071438

[aharding@gallowaylawfirm.com](mailto:aharding@gallowaylawfirm.com)

Richard R. McCutcheon

State Bar No. 24139547

[rmccutcheon@gallowaylawfirm.com](mailto:rmccutcheon@gallowaylawfirm.com)

1301 McKinney, Suite 1400

Houston, Texas 77010

Telephone: (713) 599-0700

Telecopier: (713) 599-0777

**ATTORNEYS FOR PLAINTIFF**



### 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.

Stacey De Leon on behalf of Branch Sheppard  
Bar No. 24033057  
SDeleon@gallowaylawfirm.com  
Envelope ID: 89762763  
Filing Code Description: Petition  
Filing Description: PLAINTIFF???'S ORIGINAL PETITION  
Status as of 7/15/2024 12:11 PM CST

Associated Case Party: REAL AMERICAN REAL ESTATE

| Name               | BarNumber | Email                           | TimestampSubmitted    | Status |
|--------------------|-----------|---------------------------------|-----------------------|--------|
| Annarose Harding   |           | aharding@gallowaylawfirm.com    | 7/15/2024 11:09:01 AM | SENT   |
| Kenneth Thomas     |           | kthomas@gallowaylawfirm.com     | 7/15/2024 11:09:01 AM | SENT   |
| Branch Sheppard    |           | bsheppard@gallowaylawfirm.com   | 7/15/2024 11:09:01 AM | SENT   |
| Stacey De Leon     |           | sdeleon@gallowaylawfirm.com     | 7/15/2024 11:09:01 AM | SENT   |
| Richard Mccutcheon |           | RMccutcheon@gallowaylawfirm.com | 7/15/2024 11:09:01 AM | ERROR  |

Unofficial Copy Office of Martin Burgess District Clerk