

NO. 2024-81720

SALVADOR CERVANTES
Plaintiff,

V.

REAL AMERICAN REAL ESTATE
LLC
Defendant.

§ **IN THE DISTRICT COURT**
§
§
§ **113TH JUDICIAL DISTRICT**
§
§
§ **OF HARRIS COUNTY, TEXAS**

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Salvador Cervantes, hereinafter called Plaintiff, complaining of and about Real American Real Estate LLC, hereinafter called Defendant, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff affirmatively pleads that he seeks only monetary relief aggregating \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs, and intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Salvador Cervantes, is an Individual whose address is 8203 Dover Street, Houston, Texas 77061.

3. Salvador Cervantes has not been issued a driver's license. Salvador Cervantes has not been issued a social security number.

4. Defendant Real American Real Estate LLC, a Limited Liability Company based in Texas, may be served with process by serving the registered agent of said company, Republic Registered Agent LLC, at 17350 State Hwy 249, Ste 220, Houston, Texas 77064, its registered

office. Service of said Defendant as described above can be effected by personal delivery.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. Plaintiff seeks:

a. only monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

7. This court has jurisdiction over the parties because Defendant is a Texas resident.

8. Venue in Harris County is proper in this cause.

FACTS

9. The Plaintiff in this case owns property located at 110 Glendale St., Houston, Texas 77012. The subject property has been in the Plaintiff's family for many years. The subject property was owned by the Plaintiff's Mother and Father, until such time as his father passed away on February 10, 2005. Affidavits of Heirship were completed and filed in the deed records transferring the property to the Plaintiff's mother in January 28, 2009. (Exhibit "A")

10. Subsequently the Plaintiff's mother passed away on June 6, 2021 and her estate was probated. As such the Plaintiff received the house from his mother's estate free and clear of any encumbrances. On or about March 20, 2024 the Defendant filed a fraudulent Memorandum of Purchase and Sale Contract claiming to be with the Estate of Salvador Cervantes, which was never established through probate. (Exhibit "B") The Plaintiff learned of this when he attempted to take a loan on the property and was denied based on a cloud on the title. i.e. the fraudulent memorandum

SALVADOR CERVANTES'S CLAIM FOR QUIET TITLE TO REMOVE CLOUD FROM TITLE

11. The Plaintiff has clear interest in the subject property located at 110 Glendale St,

Houston, Texas.

12. Title to the subject property is being affected by the fraudulent memorandum of the Defendant. (Exhibit "B")

13. The claim of the Defendant is invalid and unenforceable.

DAMAGES FOR PLAINTIFF, SALVADOR CERVANTES

11. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Salvador Cervantes, was caused to suffer and to incur the following damages:

A. Attorney's Fees.

PRAYER

WHEREFORE, PREMISES CONSIDERED. Plaintiff, Salvador Cervantes, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

By: /S/ Albert Lee Giddens
Albert Lee Giddens
Texas Bar No. 07884500
Email: lee@gbattorney.com
3009 Strawberry Rd.
Pasadena, TX 77502
Tel. (713) 947-0001
Fax. (713) 947-6527
Attorney for Plaintiff
Salvador Cervantes

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.

Envelope ID: 94550814

Filing Code Description: Amended Filing

Filing Description: Plaintiff's First Amended Petition

Status as of 11/21/2024 9:37 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Albert Giddens		lee@gbattorney.com	11/21/2024 9:25:26 AM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk

Exhibit A

Unofficial Copy Office of Melvyn Burgess District Clerk

AFFIDAVIT OF HEIRSHIP

Date: November 20, 2008

Decedent: Salvador Cervantes

Property: Lot One (1) Block Forty-five (45) of GLENBROOK VALLEY, Section VIII (8), an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 50, Page 40, of the Map Records of Harris County, Texas.

Affiant: Consuelo Cervantes

Affiant on oath swears that the following statements are true and are within the personal knowledge of Affiant:

1. My full legal name is as set forth above, and I am over the age of eighteen years.
2. I currently reside at 8203 Dover St, Houston, TX 77061
3. I am personally familiar with the family and marital history of Decedent, and I have personal knowledge of the facts stated in this affidavit.
4. I knew Decedent from 1950 until February 10, 2005. Decedent died on February 10, 2005. Decedent's place of death was Harris County. At the time of Decedent's death, Decedent's residence was 8203 Dover St, Houston, TX 77061.
5. *Decedent's marital history* was as follows:
Salvador Cervantes was married once in his life time to Consuelo Cervantes and the marriage ended with his death on February 10, 2005
6. *Decedent had the following children*:
Christina Cervantes, Blanca Cervantes, Sergio Cervantes, Martha Cervantes, Armando Cervantes, Peggy Cervantes, and Salvador Cervantes, Jr. all from the marriage to Consuelo Cervantes
7. *Other Children*: Decedent did not have or adopt any other children and did not take any other children into Decedent's home or raise any other children, except:
 None
8. *Other Knowledgeable Persons*. The following persons have knowledge regarding Decedent, the identities of Decedent's children, if any, and parents or siblings, if any:
 None, except
Carlen Wilson and Ralph Kestler, Jr.
9. *Written will*.
 Decedent died without leaving a written will.
10. *Adm inistration*.
 There has been no administration of Decedent's estate.

FILED FOR RECORD
8:00 AM

JAN 28 2009

County Clerk
County Clerk, Harris County, Texas

11. *Debts* . Decedent left no debts that are unpaid, except:

None

12. *Estate or Inheritance Taxes*. There are no unpaid estate or inheritance taxes, except:

None

13. *Real Property*. To the best of my knowledge, Decedent owned an interest in the Property described above.

14. Add itional Information.

None

15. An yone concerned with title to the Property may rely on these statements.

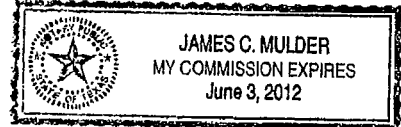
16. I agree to indemnify and hold Lawyers Title Insurance Corporation, Underwriter, and its Agent harmless from any loss or expense, including reasonable attorney fees, resulting from false or incorrect information in this affidavit.

Consuelo Cervantes
Consuelo Cervantes

(13)
10

SIGNED under oath before me on 20 November 2008

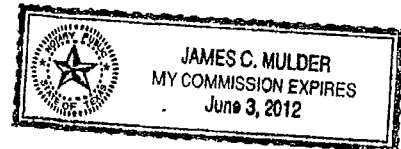
[Signature]
Notary Name:
State of:
County of:
Expires:



STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me on 20 November 2008 by Consuelo Cervantes.

[Signature]
Notary Name:
State of:
County of:
Expires:



Unofficial Copy Office of the Notary Public James C. Mulder, Notary Public, Harris County, Texas

THE STATE OF TEXAS

§
§
§

CERTIFICATION

COUNTY OF HARRIS


BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared CARLEN WILSON a credible person, who, after having been by me first duly and lawfully sworn upon oath, deposes and states:

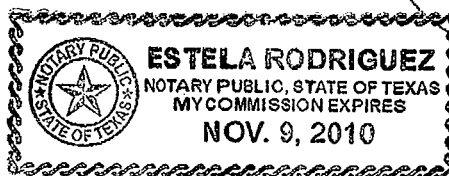
"THAT I am well and personally acquainted with the family and history of SALVADOR CERVANTES and after carefully reading the foregoing Affidavit of CONSUELO CERVANTES, do hereby certify that the facts set forth therein are true and correct."

In Witness Whereof Affiant has hereunto set his hand on this 20TH day of November, 2008.


CARLEN WILSON

SUBSCRIBED AND SWORN to before me this 20th day of Nov., 2008.


Notary Public, State of Texas



Unofficial Copy Office of Martin Bullock District Clerk

THE STATE OF TEXAS

§
§
§


CERTIFICATION

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared RALPH KESTLER, JR. a credible person, who, after having been by me first duly and lawfully sworn upon oath, deposes and states:

"THAT I am well and personally acquainted with the family and history of SALVADOR CERVANTES and after carefully reading the foregoing Affidavit of CONSUELO CERVANTES, do hereby certify that the facts set forth therein are true and correct."

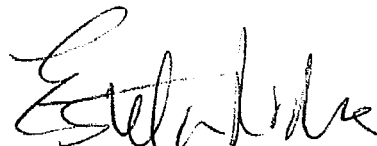
In Witness Whereof Affiant has hereunto set his hand on this 20TH day of November, 2008.



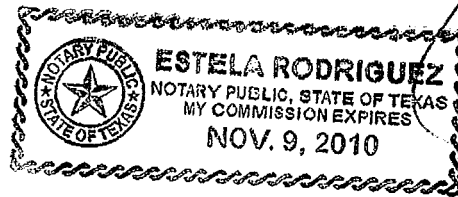
RALPH KESTLER, JR.

100

SUBSCRIBED AND SWORN to before me this 20th day of Nov, 2008.



Notary Public, State of Texas



Unofficial Copy Office of Martin Burns District Clerk

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

JAN 28 2009

RECORDING INFORMATION
At the time this instrument was filed, the recording clerk was advised that the instrument was filed and recorded.





COUNTY CLERK
HARRIS COUNTY, TEXAS

Exhibit B

Unofficial Copy Office of Melvin Burgess District Clerk

MEMORANDUM OF PURCHASE AND SALE CONTRACT

THE STATE OF TEXAS
COUNTY OF HARRIS

KNOWN ALL MEN BY THESE PRESENTS:

THIS MEMORANDUM OF PURCHASE AND SALE CONTRACT is executed by

1. Real American Real Estate LLC (the "Buyer"), as follows:

On or about 03/19/24 (date), Buyer and THE ESTATE OF SALVADOR CERVANTES (the "Seller") execute a certain Purchase Agreement. (The "Purchase and Sale Agreement"), which term includes all amendments and extensions thereof and which is incorporated herein by reference for all purposes which covers the following (the Property Legal Description):

LOT 5 BLOCK 2 PINEVIEW PLACE

Otherwise known as: 110 GLENDALE ST, HOUSTON TX 77012

This Memorandum is being executed and filed in the Official Records of Real Property of HARRIS County, Texas, in order to place third parties on notice of the existence of the Purchase Contract and Buyer's rights with respect to the Property.

IN WITNESS WHEREOF, Buyer has duly executed this Memorandum of Purchase and Sale Contract as of the 20th day of MARCH 2024.

Buyer: Real American Real Estate LLC

Douglas

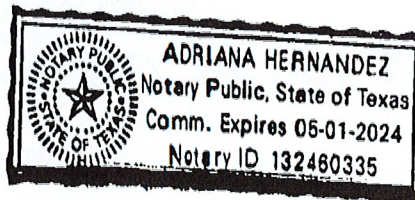
By: Douglas Aguilar, Member, Real American Real Estate LLC

THE STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this 20 day of March 2024 by Douglas Aguilar
Member of Real American Real Estate LLC.

Adriana Hernandez
Notary Public Signature
Notary Public in and for The State of Texas



AFTER RECORDING RETURN TO:
REAL AMERICAN REAL ESTATE LLC
12645 Memorial Dr Ste F1 #1780
Houston, TX 77024

00000-1707-11

RP-2024-98098
Pages 2
03/20/2024 02:03 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$25.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

Unofficial Copy, Office of Marilyn Burgess District Clerk

00000-1707-11