

NO. 2024-57221

**HARVEY JACKSON JR.,
Plaintiff,**

V.

**KEVIN GRAYSON AND HARVEY
JACKSON SR.
Defendants.**

§ **IN THE DISTRICT COURT**
§
§
§ **270TH JUDICIAL DISTRICT**
§
§
§ **OF HARRIS COUNTY, TEXAS**

DEFENDANT'S ORIGINAL ANSWER

NOW COMES Defendant, Jackson, Harvey Sr., named Defendant in the above-entitled and numbered cause, and files this Original Answer, and shows the Court:

AFFIRMATIVE DEFENSE

1. **ASSUMPTION OF THE RISK:** Defendant asserts an AFFIRMATIVE DEFENSE of Assumption of the risk. Defendant would show that Defendant, Harvey Jackson Sr. told Plaintiff that the property was being sold, "As Is" and "...subject to all liens, easements, rights of way, valid restrictions...etc. Plaintiff purchased the property at a major discounted rate because of these restrictions and encumbrances and failed to get a title search for liens and failed to use a real estate agent before purchasing the property.
2. **STATUTE OF LIMITATIONS:** Defendant, Harvey Jackson, Sr., would show that even if the conduct alleged by Plaintiff that forms the basis of this cause of action is assumed to be true, the statute of limitations has passed to bring any claims against Defendants.
3. **ACCORD AND SATISFACTION:** Defendant, Harvey Jackson, Sr., would show that Harvey Jackson, Sr., accepted far less than the value of the property because no title company was used and Plaintiff agreed to accept the risk based on the agreed substantial reduction in price.

4. **CONTRIBUTORY NEGLIGENCE**: Defendant, Harvey Jackson, Sr., would show that Harvey Jackson, Jr, failed to use a title company for a title search and failed to use a real estate agent for advice in a real estate transaction, which constitutes negligence on behalf of Harvey Jackson Jr., and contributed to his failure to discover any liens or encumbrances on the real estate prior to purchase.
5. **LACHES**: Defendant, Harvey Jackson, Sr., would show that plaintiff, Harvey Jackson, Jr., waited an unreasonable amount of time before attempting to enforce any rights that he may have had. The unreasonable delay may affect the rights of Defendant, Harvey Jackson, Sr's., ability to be indemnified in this cause of action.
6. **WAIVER**: Defendant, Harvey Jackson, Sr., would show that Harvey Jackson, Jr., has waived all rights and recourse based on Plaintiffs waiver contained in Plaintiff's Exhibit A, filed along with Plaintiff's Original Petition.

GENERAL DENIAL

Defendant denies each and every allegation of Plaintiffs' Original Petition, and demands strict proof thereof as required by the Texas Rules of Civil Procedure.

ATTORNEY'S FEES

Defendants would show that Plaintiffs claims are without merit, or in the alternative, subject to Defendant's Affirmative defenses and therefore groundless in fact or law and is brought in bad faith and is brought for the purpose of harassment. Defendant prays for attorney's fees that have become necessary to defend against this claim.

REQUEST FOR DISCLOSURES

PRAYER

Defendant, Harvey Jackson, Sr prays the Court, after notice and hearing or trial, enters judgment in favor of Defendant, awards Defendant the costs of court, future attorney's fees, and such other and further relief as Defendant may be entitled to in law or in equity.

Respectfully submitted,

By: /s/Darryl Spiller
Darryl Spiller
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Spring, Texas 77388
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Email: thespillerlawfirm@gmail.com

CERTIFICATE OF SERVICE

I certify that on December 16, 2024, a true and correct copy of Defendant's Original Answer was served on Plaintiff by filing.

By: /s/Darryl Spiller
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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.

Darryl Spiller
Bar No. 24039902
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Envelope ID: 95351493
Filing Code Description: Answer/ Response / Waiver
Filing Description: Defendant Harvey Jackson Sr Original Answer
Status as of 12/16/2024 1:01 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Krystin Collins		Krystin.collins@gmail.com	12/16/2024 12:34:56 PM	SENT
Marcella Hagger		Mahagger.legal@gmail.com	12/16/2024 12:34:56 PM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk