

SUIT NO. 202356721

CITY OF HOUSTON, ET AL

VS.

**BAYOU CITY HOME BUYERS INC. AKA
BAYOU CITY HOMEBUYERS INC., ET AL**

§
§
§
§
§

IN THE DISTRICT COURT

11TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**PLAINTIFFS' FIRST AMENDED PETITION FOR TAXES AND
CLAIM FOR CITY OF HOUSTON SPECIAL ASSESSMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

PLAINTIFF(S)

This suit is brought for the recovery of delinquent ad valorem taxes under TEX. TAX CODE § 33.41 by the following named Plaintiff(s), whether one or more, each of which is a taxing unit and is legally constituted and authorized to impose and collect taxes on property:

**CITY OF HOUSTON, HOUSTON INDEPENDENT SCHOOL DISTRICT and HOUSTON
COMMUNITY COLLEGE SYSTEM**

The Plaintiff(s) intends discovery to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure.

DEFENDANT(S)

The following are named as Defendant(s) in this suit, and they may be served with notice of these claims by service of citation at the address and in the manner shown as follows:

Bayou City Home Buyers Inc. AKA Bayou City Homebuyers Inc., A Texas Corporation, upon whom service may be obtained by serving its Registered Agent, James B. Youngblood at 11800 Magnolia Pkwy. #210, Manvel, TX 77578;

Michele Tropee (In Rem Only), 2814 Georgetown St., Houston, TX 77005

If any party is shown at an unknown address, the Defendant(s) include such person's unknown heirs, successors and assigns, whose identity and location are unknown, unknown owners, such unknown owner's heirs, successors and assigns, and any and all other persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the property which is the subject of the delinquent tax claim in this case.

Plaintiff(s) petition is amended pursuant to Rule 62 and 63, Texas Rules of Civil Procedure. Plaintiff(s) do not seek any monetary relief or personal judgment against any defendant identified as **In Rem Only** hereinabove. Plaintiff(s) intend discovery to be conducted under level 2 of Rule 190 of Texas Rules of Civil Procedure. Plaintiff(s) petition is amended to correct defendant(s).

The following taxing unit(s), whether one or more, is joined as a party herein as required by TEX. TAX CODE § 33.44(a) because it may have a claim and lien for delinquent taxes against all or part of the same property described below: **HARRIS COUNTY, and for certain county-wide taxing authorities which are the Harris County Department of Education, the Port of Houston Authority of Harris County, the Harris County Flood Control District, and the Harris County Hospital District, all of which are included within the references to Harris County made herein and GREATER SOUTHEAST MANAGEMENT DISTRICT.** The foregoing named taxing unit(s), if any, is invited to add its claim by intervening herein.

II.

Claims for all taxes becoming delinquent on said property at any time subsequent to the filing of this suit, up to the day of judgment, including all penalties, interest, attorney’s fees, and costs on same, are incorporated in this suit, and Plaintiff(s) is entitled to recover the same, upon proper proof, without further citation or notice. Plaintiff(s) is further entitled to recover each penalty that is incurred and all interest that accrues on all delinquent taxes imposed on the property from the date of judgment to the date of sale.

III.

As to each separately described property shown below, there are delinquent taxes, penalties, interest, and costs justly due, owing and unpaid to Plaintiff(s) for the tax years and in the amounts as follows, if paid in **November, 2024.**

PROPERTY AND AMOUNTS OWED

ACCT. NO.0680030000042; Lot 42, Of Arnel Place, An Addition In Harris County, Texas, According To The Map Or Plat Thereof Recorded In Volume 16, Page 21, Of The Map/And Or Plat Records, Harris County, Texas.

CITY OF HOUSTON

| Tax Year(s) | Tax Amount | Penalties and Interest | Total Due |
|--------------------|-------------------|-------------------------------|-------------------|
| 2022 | \$1,226.29 | \$745.59 | \$1,971.88 |
| 2023 | \$1,238.85 | \$574.83 | \$1,813.68 |
| TOTALS: | \$2,465.14 | \$1,320.42 | \$3,785.56 |

HOUSTON INDEPENDENT SCHOOL DISTRICT

| | Tax Year(s) | Tax Amount | Penalties and Interest | Total Due |
|----------------|--------------------|-------------------|-------------------------------|-------------------|
| | 2022 | \$2,383.45 | \$1,449.13 | \$3,832.58 |
| | 2023 | \$2,071.87 | \$961.35 | \$3,033.22 |
| TOTALS: | | \$4,455.32 | \$2,410.48 | \$6,865.80 |

HOUSTON COMMUNITY COLLEGE SYSTEM

| | Tax Year(s) | Tax Amount | Penalties and Interest | Total Due |
|------------------|--------------------|-------------------|-------------------------------|--------------------|
| | 2022 | \$219.61 | \$133.53 | \$353.14 |
| | 2023 | \$220.07 | \$102.12 | \$322.19 |
| TOTALS: | | \$439.68 | \$235.65 | \$675.33 |
| TOTAL DUE | | | | \$11,326.69 |

The total aggregate amount of taxes, penalties, interest, and attorney’s fees (if any) for which Plaintiff(s) sues is **\$11,326.69**, subject to additional taxes, penalties, interest, and attorney’s fees that accrue subsequent to the filing of this petition.

IV.

All of the taxes were authorized by law and legally imposed in the county in which this suit is brought. The taxes were imposed in the amount(s) stated above on each separately described property for each year specified and on each person named, if known, who owned the property on January 1 of the year for which the tax was imposed. Plaintiff(s) now has and asserts a lien on each tract of real property and each item of personal property described herein to secure the payment of all taxes, penalties, interest and costs due. Pursuant to Rule 54 of the Texas Rules of Civil Procedure, Plaintiff(s) affirmatively avers that all things required by law to be done have been done properly by the appropriate officials and all conditions precedent have been met.

V.

All of the property described above was, at the time the taxes were assessed, located within the territorial boundaries of each taxing unit in whose behalf this suit is brought. All Defendants named in this suit either owned the property that is the subject of this suit on January 1 of the year in which taxes were imposed on said property, or owned or claimed an interest in or lien upon said property at the time of the filing of this suit. The value of any personal property that may be described above, and against which the tax lien is sought to be enforced, is in excess of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).

VI.

The Law Firm represented by the attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of Plaintiff(s). Plaintiff(s) should recover attorney's fees as provided by law for the prosecution of this case, and such attorney's fees should be taxed as costs.

VII.

Plaintiff(s) may have incurred certain expenses in the form of abstractor's costs in procuring data and information as to the name, identity and location of necessary parties, and in procuring necessary legal descriptions of the property that is the subject of this suit. Said expenses, if incurred, are reasonable and are in the following amount: **\$600.00**. The abstractor's costs, if any be shown, should be taxed as costs herein.

VIII.

Plaintiff CITY OF HOUSTON, a home-rule municipality duly incorporated, organized and existing under and by virtue of the laws of the State of Texas, brings a cause of action for recovery of certain special assessments pursuant to one or more of the following provisions: (a) Chapter 342 of the TEX. HEALTH & SAFETY CODE and its predecessor statute TEX. REV. CIV. STAT. ANN. Art. 4436 (repealed), which authorized the cleaning of buildings, establishments, or ground from filth, carrion, or other impure or unwholesome matter and the cutting or removal of weeds, rubbish, brush, the filling of pools, or the removal of rubbish or other objectionable, unsightly, or unsanitary matter, (b) Chapter 214 of the TEX. LOCAL GOV'T CODE and its predecessor statute TEX. REV. CIV. STAT. ANN. Art. 1175 (repealed), which authorizes the securing, demolition or repair of a building that is dilapidated, substandard or unfit for human habitation, or a hazard to the public health, safety and welfare, (c) Chapters 311, 312 and/or 313 of the TEX. TRANSP. CODE and its predecessor statute TEX. REV. CIV. STAT. Art. 1086 et seq. (repealed), which authorizes the improvements of streets and highways by filling, grading, raising, and paving the same and constructing or repairing sidewalks, curbs, gutters, sewers and drains appurtenant thereto, and (d) Articles IX and XI of Chapter 10 of the City of Houston's Code of Ordinances, together with Article IVb, Sections 1 and 2 of the City of Houston's Charter, all enacted under the foregoing statutory provisions. Such assessments were made against the property.

All conditions precedent to the perfection of said special liens have occurred or been performed by the proper officials of said City. The CITY OF HOUSTON seeks an order foreclosing its special assessment liens as authorized and in the priority provided by law.

The assessments described hereinabove accrue interest at the rate of ten percent (10%) per annum for assessments arising under Chapter 342 of the TEX. HEALTH & SAFETY CODE or its predecessor statute and Chapter 214 of the TEX. LOCAL GOV'T CODE or its predecessor statute. Assessments arising under Chapters 311, 312 and/or 313, TEX. TRANSP. CODE or its predecessor statute accrue interest at the rate of the greater of (a) eight percent (8%) per annum, or (b) the rate payable by the city on its most recently issued general obligation bonds as determined on the date the property owners received notice of the special assessment hearing. Default has been made by the Defendant owner(s) in the payment of said assessments following demand by said City for payment of the past due principal and interest; and the CITY OF HOUSTON has elected to exercise its option to declare said sum due and payable in full, with accrued interest, and has place the same with LINEBARGER GOGGAN BLAIR & SAMPSON, LLP, Attorneys at Law, for collection and this suit. The joinder of this claim with the claim for delinquent taxes is authorized by TEX. TAX CODE § 33.41(c).

The law firm whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of the CITY OF HOUSTON. Reasonable attorney's fees should be awarded in favor of the city for the prosecution of this case, and such attorney's fees should be taxed as costs.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff(s) requests that citation be issued and served upon each Defendant named herein, commanding them to appear and answer herein in the time and manner required by law. Plaintiff(s) further prays, upon final hearing in this cause, for foreclosure of its liens against the above-described property securing the total amount of all delinquent taxes, penalties and interest, including taxes, penalties and interest becoming delinquent during the pendency of this suit, costs of court, attorney's fees, abstract fees, and expenses of foreclosure sale. Plaintiff(s) further prays for personal judgment against Defendant(s) who owned the property on January 1 of the year for which the taxes were imposed for all taxes, penalties, interest, and costs that are due or will become due on the property, together with attorney's fees and abstractor's fees. Plaintiff City of Houston further prays for foreclosure of its lien securing those special assessments set out above, together with the interest thereon, plus attorney's fees in a reasonable amount. Plaintiff(s) further prays for: (1) the appropriate order of sale requiring the foreclosed property to be sold, free and clear of any right, title, or interest owned or held by any named Defendant, at public auction in the manner prescribed by law, and (2) writs of execution, directing the sheriffs and constables for the State of Texas to search out, seize, and sell sufficient property of the Defendant(s) against whom personal judgment may be awarded to satisfy the lawful judgment sought herein. Finally, Plaintiff(s) prays for such other and further relief, at law or in equity, to which it may show itself justly entitled. However, Plaintiff(s) do not pray for personal judgment against any defendant(s) identified in paragraph I as IN REM ONLY. Plaintiff(s) pray for costs of court and for such other and further relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP
PO Box 3064

Houston, TX 77253-3064

(713) 844-3580, (713) 844-3502 - Fax



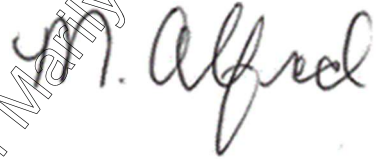
Margaret Alfred
State Bar No. 24104378
margaret.alfred@lgbs.com
Attorney for Plaintiff(s)

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy was mailed, faxed or hand-delivered to all opposing counsel and other parties listed below who have made an appearance in this suit pursuant to rule 21(a) T.R.C.P. on the **26th day of November, 2024.**

Bayou City Home Buyers Inc. AKA Bayou City Homebuyers Inc.
by serving James B. Youngblood
Registered Agent
11800 Magnolia Pkwy. #210
Manvel, TX 77578

Michele Tropee (In Rem Only)
2814 Georgetown St.
Houston, TX 77005



Margaret Alfred
State Bar No. 24104378
margaret.alfred@lgbs.com
Attorney Certifying

Unofficial Copy Office of Mellyn Burgess District Clerk

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.

Irene Landaverda on behalf of Margaret Alfred

Bar No. 24104378

Irene.Landaverda@lgbs.com

Envelope ID: 94715392

Filing Code Description: Amended Filing

Filing Description: Plaintiffs' First Amended Petition for Taxes and Claim

for City of Houston Special Assessments

Status as of 11/26/2024 10:02 AM CST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|--------------------------------|-----------|---------------------------------------|-----------------------|--------|
| Steven Dieu | | Steven.Dieu@harriscountytexas.gov | 11/26/2024 9:57:18 AM | SENT |
| E-Service for CAO Tax Division | | TaxEservice.cao@harriscountytexas.gov | 11/26/2024 9:57:18 AM | SENT |
| Cynthia Reade | | Cynthia.Reade@lgbs.com | 11/26/2024 9:57:18 AM | SENT |
| Robert East | | PBFCM-Houston@pbfc.com | 11/26/2024 9:57:18 AM | SENT |

Unofficial Copy Office of Mainwaring District Clerk