

LAW OFFICE OF LEE TATUM
113 N. Commerce Street
P. O. Box 1211
Gainesville, Texas 76240
Telephone: (940) 590-3501
Telefax: (940) 580-3505

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CLERK OF COURT
COOKE COUNTY, TX

CV 1200759

NO. JC110019

**ED DUFURRENA CUTTING
HORSES**
Plaintiff,

V.

JOHN CLAUDON,
Defendant.

§ IN THE JUSTICE COURT
§
§
§ PRECINCT 1
§
§
§ COOKE COUNTY, TEXAS

ORIGINAL PETITION FOR SUIT ON SWORN ACCOUNT

DISCOVERY LEVEL

1. Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

PARTIES AND SERVICE

2. Plaintiff, Ed Dufurrena Cutting Horses, is a business whose address is 820 CR 133, Gainesville, Texas 76240.

3. Defendant John Claudon, an Individual who is a resident of Texas, may be served with process at his home at the following address: 528 Quail Hill Road, Whitesboro, Texas 76273. Service of said Defendant as described above can be effected by personal delivery.

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

FACTS

5. In the usual course of business, Plaintiff sold to Defendant one or more items of goods, wares, merchandise, or services, as shown on the attached statement of account. Defendant accepted each item and became bound to pay Plaintiff the designated price, which is a reasonable, usual, and customary price for such an item. The statement of account is attached as Exhibit A and incorporated by reference. This account represents a transaction or series of transactions for which a systematic record has been kept.

6. Venue in Cooke County is proper in this cause.

DEBT

7. Defendant has defaulted by failing to make payments on the account. The principal balance due Plaintiff on the account is \$9,138.54 after all just and lawful offsets, payments, and credits have been allowed, as shown on Exhibit A. Plaintiff has demanded that Defendant pay this amount, but Defendant has not done so.

CONDITIONS PRECEDENT

8. All conditions precedent have been performed or have occurred.

ATTORNEY'S FEES

9. Defendant's default has made it necessary for Plaintiff to employ the undersigned attorney to file suit. This claim was timely presented to Defendant and remains unpaid. Reasonable fees for the attorney's services rendered and to be rendered are at least \$861.44.

NOTICE

10. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

PRAYER

11. Plaintiff prays that-
- a. Defendant be cited to appear and answer;
 - b. Plaintiff be granted judgment for \$9,138.54 as the principal amount due on the account;
 - c. Plaintiff be granted judgment for prejudgment and postjudgment interest at the highest legal or contractual rate allowed by law;
 - d. Plaintiff be granted judgment for at least \$861.44 as reasonable attorney's fees, with additional contingent amounts in the event of appellate proceedings;
 - e. Plaintiff be granted judgment for all costs of court; and
 - f. Plaintiff be granted all further relief to which Plaintiff may be entitled.

Respectfully submitted,



LEE TATUM

Texas Bar No. 24043952

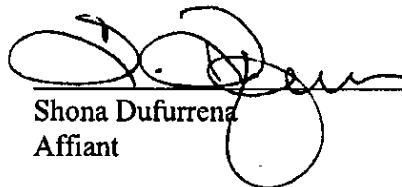
113 N. Commerce Street
P. O. Box 1211
Gainesville, Texas 76240
Tel. (940) 580-3501
Fax. (940) 580-3505

Attorney for Plaintiff

VERIFICATION FOR SUIT ON SWORN ACCOUNT

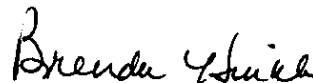
BEFORE ME, the undersigned authority, on this day personally appeared Shona Dufurrena, who swore on oath that the following facts are true:

- "1. My full name is Shona Dufurrena.
- "2. I am employed by Ed Dufurrena Cutting Horses, and I have care, custody, and control of all records concerning the account of John Claudon, Defendant.
- "3. I hereby aver that the claim attached as Exhibit A to Plaintiff's original petition is within the personal knowledge of the affiant, is just and true, and is due by Defendant to Plaintiff and that all just and lawful offsets, payments, and credits to this account have been allowed.
- "4. These records show that a total principal balance of \$9,138.54, exclusive of interest, is due and payable by John Claudon, Defendant, to Ed Dufurrena Cutting Horses, Plaintiff, and demand for payment was made more than thirty days ago."



Shona Dufurrena
Affiant

SIGNED under oath before me on February 8, 2011



Brenda Hinkle
Notary Public, State of Texas



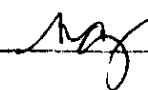
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REBECCA LAWSON
COUNTY CLERK, DUSKIE CO. TX
BY  DEPUTY

Exhibit "A"

***** INVOICE *****

Ed Dufurrena Cutting Horses

820 CR 133

Gainesville, TX 76240

Bus.: 940-665-0775 -- FAX: 940-668-6988

John Claudon
528 Quail Hill Rd.
Whitesboro, TX 76273

Invoice Number: **1381**

Invoice Date: **12/31/2009**

Terms: **ONRECEIPT**

OPEN

Previous Invoice Balance: **\$8,874.22**

Date	Description	UOM	Qty	Fee	Total	-----Customer-----	
						%	Amount
Miscellaneous							
12/31/2009	Late Payment Charge - 12/31/2009 thru 12/31/2009 on 466.96 Invoice #: 1329, Invoice Date: 11/30/2009	PER/DAY	1.00	\$0.16	\$0.16	100	\$0.16
						Miscellaneous	\$0.16
Billing for Parker / Parking My Assets							
12/01/2009	Class III Ivermectin Paste-Equimax	PER/HORSE	1.00	\$16.00	\$16.00	14.28	\$2.28
12/01/2009	Advertising Billboard	EACH	1.00	\$175.00	\$175.00	14.28	\$24.99
12/01/2009	Shoeing Custom Shoes	PER/HORSE	1.00	\$150.00	\$150.00	14.28	\$21.42
12/02/2009	Dental Float Teeth / Sudation	PER/HORSE	1.00	\$150.00	\$150.00	14.28	\$21.42
12/03/2009	Strangles Strep Distemper Complex A & B	EACH	1.00	\$25.00	\$25.00	14.28	\$3.57
12/03/2009	Rhino Flu Vaccine	EACH	1.00	\$17.00	\$17.00	14.28	\$2.43
12/03/2009	6 Way Vaccine EWT RF V	EACH	1.00	\$28.00	\$28.00	14.28	\$4.00
12/13/2009	Per Day Training & Board From 12/1/2009 Thru 12/13/2009	PER/DAY	13.00	\$65.00	\$845.00	14.28	\$120.67
12/13/2009	Show / Sale Day Fee	PER/DAY	1.00	\$300.00	\$300.00	14.28	\$42.84
12/13/2009	Hauling to Ft.Worth	MILEAGE	1.00	\$144.00	\$144.00	14.28	\$20.56
						Total Billed For Parker / Parking My Assets	\$264.18

Charges This Invoice:	\$264.34
Payments Received:	\$0.00
Balance Due:	\$9,138.56

BALANCE DUE UPON RECEIPT OF STATEMENT

A 1.05% service charge will be applied to all transactions 30 days past due.
This is an annual percentage rate of 12.60% per year. The minimum service charge is \$0.00.

ED DUFURRENA CUTTING HORSE § IN THE JUSTICE COURT
 VS. § PRECINCT ONE
 JOHN CLAUDON CV1200759 COOKE COUNTY, TEXAS
 DOCKET NO. JC1110018

CERTIFIED TRANSCRIPT OF PROCEEDINGS

WHEREAS, the above entitled and numbered cause on the docket of the Justice Civil Court of Cooke County, and on the 20th day of November, 2012 was appealed to Cooke County Court at Law.

Now therefore I, Dorthy Lewis, Justice of the Peace, Precinct One, do hereby transmit a full and complete transcript containing the original instruments in said cause and docket entries to-wit:

- 1. Complaint
- 2. Appeal Bond
- 3. Judgment
- 4. Docket Entry & Bill of Costs

On 17th day of March, 2011, ED DUFURRENA CUTTING HORSE, hereinafter known as Plaintiff, filed an Original Petition with the Court against JOHN CLAUDON, hereinafter known as Defendant, a claim of \$9138.54.

Court Costs in the amount of \$111.00 was collected with receipt number of 110999, dated 03-17-2011.

Plaintiff's Attorney: LEE TATUM & OLIVA NEU Phone: (940) 580-3501
 Plaintiff's Attorney address: P.O. BOX 1211
 113 N. COMMERCE
 GAINESVILLE, TX 76241

Defendant Attorney of record is: GARY D. CORLEY Phone: 903-814-5032
 Defendant Attorney Address: 108 NORTH TRAVIS
 WHITESBORO, TX 76273

Defendant was served at 522 Kennedi Dr Whitesboro, Tx 76273 on April 13th, 2011. Officer's return was on April 19th, 2011.

Court was held on November 13th, 2012. Plaintiff and Plaintiff's attorneys Lee Tatum & Olivia Neu were present and Defendant and Defendant's attorney failed to appear and Judge Dorthy Lewis was presiding judge. The Court ruled in favor of the Plaintiff for \$9138.54, attorney fees in the amount of \$ 750.46, and \$111.00 court costs.

Witness my signature on this the 21 day of November, 2012



Dorthy Lewis
 Judge Dorthy Lewis
 Justice of the Peace, Pct. 1
 Cooke County, Texas

Tiffany Lester
 Notary Public, Cooke County, Texas
 My commission expires: 8-20-13

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 COOKE COUNTY, TEXAS
 BY [Signature] DEPUTY

CAUSE NO. JC1110018

ED DUFURRENA CUTTING HORSES,

PLAINTIFF,

VS.

JOHN CLAUDON,

DEFENDANT.

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IN THE JUSTICE COURT

PRECINCT 1

COOKE COUNTY, TEXAS

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DOROTHY LEWIS, JUDGE
COOKE COUNTY, TEXAS
CLERK


APPEAL BOND

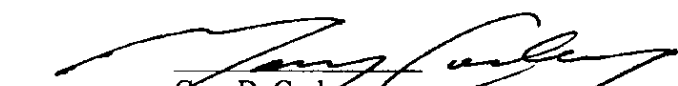
WHEREAS, in the above-entitled and numbered cause, tried before Dorothy Lewis, a Justice of the Peace of Cooke County, Texas, judgment was rendered in favor of Ed Dufurrena Cutting Horse, plaintiff, and against John Claudon, defendant, for damages in the sum of \$9,138.54, attorney fees in the amount of \$750.46 and \$111.00 as costs of court, together with interest thereon from November 16, 2012, at the rate of five percent per annum (5%), from which judgment John Claudon desires to appeal to the County Court at Law of Cooke County, Texas; and

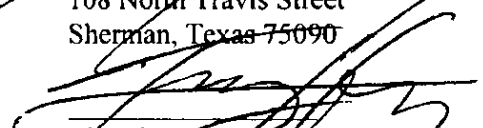
WHEREAS, appellant desires to suspend execution of said judgment pending determination of such appeal:

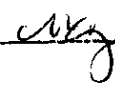
NOW, THEREFORE, WE, John Claudon, as principal, and Gary D. Corley and Timothy R. Haney, two good and sufficient sureties, as surety, acknowledge ourselves bound to pay to Ed Dufurrena Cutting Horse, obligee, the sum of \$20,000.00, conditioned, however, that the above-named principal shall prosecute the appeal with effect and shall pay off and satisfy the judgment that may be rendered against him on appeal.

WITNESS our hands this date: 11/19/12


John Claudon


Gary D. Corley
108 North Travis Street
Sherman, Texas 75090


Timothy R. Haney
108 North Travis Street
Sherman, Texas 75090

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REBECCA LAWSON
COUNTY CLERK COOKE CO. TX
BY  DEPUTY

APPROVED AND FILED on date November 30, 2012.

Scotty C. Baker
JUSTICE OF THE PEACE
PRECINCT 1
COOKE COUNTY, TEXAS

**DORTHY LEWIS
JUSTICE OF THE PEACE
PRECINCT 1
COOKE COUNTY, TEXAS**

ED DUFURRENA CUTTING HORSE

IN THE JUSTICE COURT

vs

PRECINCT 1

JOHN CLAUDON

CV 1200759

COOKE COUNTY, TEXAS

DOCKET #: JC1110018

DEFAULT JUDGMENT

On this the 13th day of November, 2012 came on to be heard the above entitled and numbered cause, wherein ED DUFURRENA CUTTING HORSE is Plaintiff, and JOHN CLAUDON is Defendant. Came the Plaintiff of record in person with attorney's Lee Tatum and Olivia Neu, and announced ready for trial. The Defendant, although having been duly and legally cited according to law to answer herein, failed to appear and wholly made default.

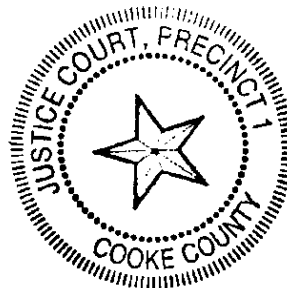
IT FURTHER appearing that every process of law was given to the Defendant as required by law, but nevertheless he/she wholly made default, and a jury being waived and the matters of fact and law in controversy being submitted to the Court upon good and sufficient evidence, finds for Plaintiff.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the said Plaintiff, ED DUFURRENA CUTTING HORSE, do have and recover of the Defendant, the sum of \$9138.54, attorney fees in the amount of \$750.46 and \$111.00 as cost of court, together with interest at 5.00% per annum from the date of this execution issue.

RENDERED, SIGNED AND ENTERED this the 16 day of November, 2012

Dorthy Lewis

Judge Dorthy Lewis
Justice of the Peace, Pct. 1
Cooke County, Texas



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REBECCA L. WILSON
COUNTY CLERK, COOKE CO. TX

BY *[Signature]* DEPUTY

BILL OF COSTS

JUSTICE'S COSTS

	<u>Costs</u>
Docketing	\$25.00
Citation	
Alias Citation	
Subpoena	
Add'l Names	
Venire	
Bond	
Continuance	
Swearing ___ Witnesses	
Certificate	
Certificate of Oath	
Attachment	
Sequestration	
Garnishment	
Distress Warrant	
Nonsit	
Order in Case	
Interlocutory Judgment	
Judgment by Default	
Judgment Final	
New Trial	
Execution and Return	
Alias Exec. and return	
Pluries Execution	
Taking Appeal Bond	
Transcript of Docket	
Writ of Execution	
comm. for taking dep.	
Taking deposition	
filing ___ papers ___ ea.	
Jury Fee	
Witness Fee	
Postage	
Transcript	
Acknowledge Stay	
Taxing Costs & Bill	
Order of Sale & Return	
Copy Interrogatories	
Impaneling Jury	
Recording Verdict	
Abstract of Judgment	
Indigent Fee	\$6.00

CONSTABLE'S COSTS

	<u>Costs</u>
Citation	\$80.00
Subpoena	
Levying & Returning Exec.	
Writ of Exe	
Garnishment	
Taking Bond	
Order of Sale	
Bill of Sale to Purch.	
Deed	
Making Money By Sale	
Making Money W/O Sale	
Posting Notice	
Total Constable Costs	\$80.00
Total Justice's Costs	\$31.00
Total Costs	\$111.00

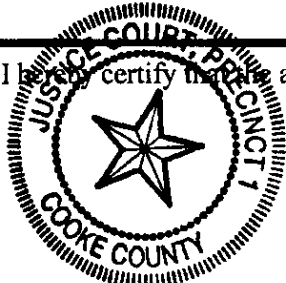
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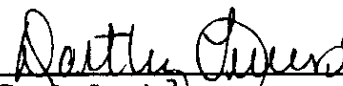
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RECORDED & INDEXED
COUNTY CLERK'S OFFICE CO. TX

BY  DEPUTY

I hereby certify that the above and foregoing bill of costs is true and correct.





 Dorothy Lewis
 Justice of the Peace, Pct. 1
 Cooke County, Texas