

LAW OFFICE OF LEE TATUM  
113 N. Commerce Street  
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20 MAR 17 AM 9:23

CLERK OF DISTRICT COURT  
COOKE COUNTY TEXAS

CV1200760

NO. JUN 0019

**ED DUFURRENA CUTTING  
HORSES**  
Plaintiff,

V.

**BUTCH REDISH**  
Defendant.

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

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**ORIGINAL PETITION FOR SUIT ON SWORN ACCOUNT**

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**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 Butch Redish, an Individual who is a resident of Texas, may be served with process at his home at the following address: P. O. Box 514, 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,



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LEE TATUM  
Texas Bar No. 24043952

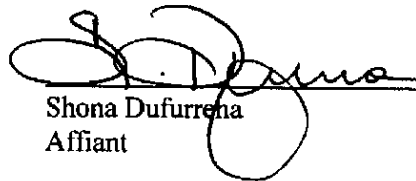
113 N. Commerce Street  
P. O. Box 1211  
Gainesville, Texas 76240  
Tel. (940) 580-3501  
Fax. (940) 580-3505

Attorney for Plaintiff

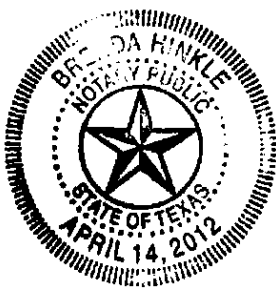
**VERIFICATION FOR SUIT ON SWORN ACCOUNT**

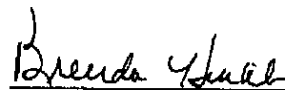
BEFORE ME, the undersigned authority, on this day personally appeared Shona Dufurrena, who swore on oath that the following facts are true:

- "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 Butch Redish, 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 Butch Redish, 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.

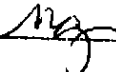


  
Brenda Hinkle  
Notary Public, State of Texas

FILED FOR RECORD

12 NOV 21 PM 2:26

REBECCA LAWSON  
COUNTY CLERK, COOKE CO. TX

BY  DEPUTY

**\*\*\* INVOICE \*\*\***

**Ed Dufurrena Cutting Horses**

820 CR 133

Gainesville, TX 76240

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

**Butch Redish**  
 P.O.Box 514  
 Whitesboro, TX 76273

Invoice Number: **1373**  
 Invoice Date: **12/31/2009**  
 Terms: **ONRECEIPT**  
**OPEN**

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

Date	Description	UOM	Qty	Fee	Total	-----Customer-----	
						%	Amount
<b>Miscellaneous</b>							
12/31/2009	Late Payment Charge - 12/31/2009 thru 12/31/2009 on 466.96 Invoice #: 1342, Invoice Date: 11/30/2009	PER/DAY	1.00	\$0.16	\$0.16	100	\$0.16
						<b>Miscellaneous</b>	<b>\$0.16</b>
<b>Billing for Parker / Parking My Assets</b>							
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
12/01/2009	Class III Ivermectin Paste-Equimax	PER/HORSE	1.00	\$16.00	\$16.00	14.28	\$2.28
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	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
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
<b>Total Billed For Parker / Parking My Assets</b>							<b>\$264.18</b>

Charges This Invoice:	<b>\$264.34</b>
Payments Received:	<b>\$0.00</b>
Balance Due:	<b>\$9,138.56</b>

**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 .