

CAUSE NO. CC-16-02303-C

PETER'S PRECISION PAINTING, LLC	§	IN THE COUNTY COURT
Plaintiff,	§	
	§	
vs.	§	AT LAW NO. 3 OF
	§	
CP1 BELLA VILLA, LLC	§	
Defendant.	§	DALLAS COUNTY, TEXAS

AFFIDAVIT OF T. RICK FRAZIER

BEFORE ME, the undersigned, on this day personally appeared T. RICK FRAZIER, who is personally known to me, and who personally states the following:

1. "My name is T. Rick Frazier. I am over eighteen (18) years of age, have never been convicted of a felony and am fully competent to make this affidavit. I have personal knowledge of the facts herein, and they are all true and correct. I make this affidavit in support of Plaintiff's Motion for Default Judgment.

2. I am the attorney for Plaintiff in this lawsuit. I have been licensed to practice law in the State of Texas since October, 1974. I have practiced continually in and about Dallas County, Texas in various areas of business litigation practice. I am familiar with amounts charged by attorneys with like or similar experience in Dallas County, Texas, for services of the nature provided in this case, and in my opinion a reasonable fee would be \$2,750.00. My current billing rate is \$350.00 and is comparable to the charges of an attorney of like or similar experience.

3. Plaintiff has agreed to pay me at my current billing rate. As of the date of making this affidavit I have expended eight (8.0) hours for services in interviewing the client, investigation of Defendant, research, preparing and transmitting various correspondence to Defendant, telephone and office conferences with my client, preparation and filing mechanic's lien affidavit in Dallas County Deed Records, preparation and efileing of Plaintiff's Original Petition, preparing and efileing Plaintiff's Motion for Default

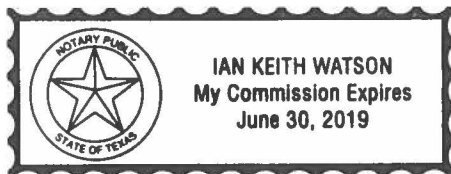
Judgment, preparing and e-filing of an affidavit in support of the Plaintiff's attorney's fees, preparing and e-filing of a form of Default Judgment, preparing and e-filing of a Certificate of Last Known Address. Therefore, I believe a reasonable attorney's fee for representing Plaintiff in this matter through Default Judgment to be \$2,750.00.

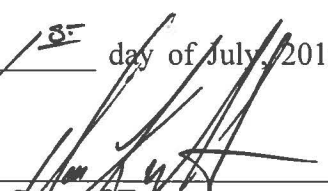
4. On April 11, 2016, I sent a written demand to Defendants for payment of Plaintiffs' claims including attorney's fees which was enclosed in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service and sent by certified mail no. 7007 1490 0002 5789 6881 and regular first class mail, a true and correct copy of which is attached hereto as Exhibit "A". Although I received no confirmation of delivery of the certified letter, the letter sent regular mail was not returned. I have attached a true and correct copy of Plaintiff's file-marked Mechanic's lien affidavit as Exhibit "B". I have attached as Exhibit "C" a copy of a document entitled "Special Warranty Deed" establishing Defendant's ownership of the property sought to be foreclosed."

FURTHER AFFIANT SAYETH NOT.


T. RICK FRAZIER

SUBSCRIBED AND SWORN to before me this 18th day of July, 2016, to certify which witness my hand and seal of office.




Notary Public, State of Texas

My Commission Expires: June 30, 2019

LAW OFFICES of T. RICK FRAZIER

2591 Dallas Parkway, Suite 300 • Frisco, Texas 75034-8563

Phone (972) 661-3288 • Fax (469) 269-3989

April 11, 2016

CERTIFIED MAIL NO. 7007 1490 0002 5789 6881 and regular mail

CPI BELLA VILLA, LLC
501 W. Broadway, Suite 2040
San Diego, CA 92101

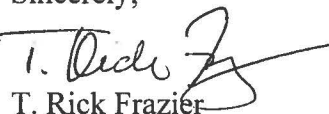
Re: *Breach of Contract and foreclosure of Mechanics' and Materialmen's lien – Bella Villa Apartments 5505 Miller, Dallas, Texas 75206 (the "Property")*.

Dear Sir or Madam:

Please be advised that the undersigned attorney has been retained by Peter's Precision Painting, LLC to pursue claims against your entity and the Property in connection with certain work and materials, which were provided by my client at the Property. My client has advised me that he provided renovation and repair services at the Property. My client has completed all the work under its contract in a good and workmanlike manner and has demanded payment, but you have failed and refused to timely remit the balance due in the amount of \$2,722.96. Said amount has accrued interest at the rate of 1-½ percent interest each month since due under the Prompt Payment to Contractors provision of the Texas Property Code (§28.001 et seq). The accrued interest on the unpaid balance is \$114.03 through April 15, 2016.

Consequently, demand is hereby made to pay the balance due including accrued interest plus an additional amount of \$905.00 for reasonably incurred attorney's fees and costs for a total sum of **\$3,741.99** to be remitted within ten (10) days of the date of your receipt of this letter. Failure or refusal to comply with this demand will result in the initiation of litigation wherein my client will seek to foreclose a constitutional mechanics' and materialman's lien against the Property including the recovery of the principal amount plus pre-judgment interest, additional attorney's fees and court costs, all as allowed by law. I have enclosed a copy of the mechanic's lien affidavit filed in the Dallas County real property records.

This matter merits your immediate attention, and hopefully, you will comply with the demands of this letter and avoid further inconvenience and expense attendant to litigation.

Sincerely,

T. Rick Frazier

TRF/afm

Encl.

Exhibit "A"



201600094065

ML AFF 1/2

ORIGINAL CONTRACTOR AFFIDAVIT OF CLAIM FOR MECHANIC'S LIEN

(Non-Homestead Property)

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared PETER'S PRECISION PAINTING, LLC and, upon oath, after first being duly sworn, deposed and stated:

"My name is PIOTR MAZUREK, sole managing member of PETER'S PRECISION PAINTING, LLC, hereinafter referred to in this affidavit as "Claimant." The facts set forth herein are true and correct, and I am competent to make this affidavit.

Through its authorized agent, Claimant entered into a series of original contracts with **CPI BELLA VILLA, LLC**, a limited liability company, which is the Owner (herein so called) or purported owner of the Property described in Exhibit A attached hereto and incorporated herein by reference. The address of the Owner is 501 W. Broadway, Suite 2040, San Diego, CA 92101. Pursuant to the original contracts, Claimant performed labor and supplied materials in connection with the construction or repair of improvements to the Property, which work may be generally described as follows: repair and repainting of various apartment units located at the Bella Villas Apartments, 5506 Miller, Dallas, Texas 75206.

Claimant is an original contractor, whose mailing address is 3903 Magnolia Court, Colleyville, TX 76034.

Claimant's claim is in the amount of **\$2,722.96**. The claim remains unpaid and is due and owing to Claimant under Claimant's original contracts with Owner. A mechanic's lien securing the payment of such amounts is herein claimed by Claimant on the Property, pursuant to the Texas Property Code as well as Article 16 §37, Texas Constitution."

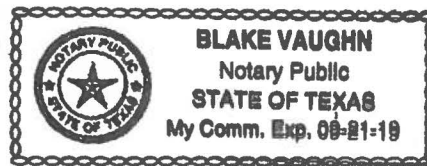
PETER'S PRECISION PAINTING, LLC

By: _____
PIOTR MAZUREK, Managing Member

SUBSCRIBED AND SWORN TO before me on this 2 day of ~~March~~ ^{April}, 2016 by PIOTR MAZUREK on behalf of PETER'S PRECISION PAINTING, LLC.

[Seal]

Notary Public in and for the State of Texas



Original Contractor Affidavit of Claim for Mechanic's Lien, Solo Page

EXHIBIT "A"

Lots 1, 2, and 3, Block 16/1929, VICKERY PLACE, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 1, Page 318 of the Map Records of Dallas County, Texas.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/11/2016 03:05:24 PM
\$30 00



A handwritten signature in black ink, appearing to be "JFW".

201600094065

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