

CV-0077054

Case No. \_\_\_\_\_

**Discover Bank**  
**Plaintiff**

**In the County Court at Law No. \_\_\_\_\_**

v.  
**SANDRA T WELLS**

**Defendant(s)**

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**of**  
**Galveston County - County Court at Law No. 3**  
**GALVESTON County Texas**

**PLAINTIFF'S ORIGINAL PETITION**

**A. Parties**

1. The address for Plaintiff, Discover Bank, is c/o Discover Products Inc. 6500 New Albany Road, New Albany, OH 43054 .
2. Defendant, SANDRA T WELLS may be served with process at **7506 NIGHTINGALE CIR, TEXAS CITY TX 77591-3517**, or at such other place as the Defendant may be found.

**B. Jurisdiction**

3. Plaintiff seeks only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, and expenses.
4. Plaintiff asserts that the above-named court has jurisdiction over the subject matter of this case and the person(s) of Defendant(s) and that the damages sought are within the jurisdictional limits of the court.

**C. Venue**

5. Venue of this action is proper in the county named above because Defendant(s) is/are individual(s) believed to be residing in said county at the time of commencement of suit.

**D. Facts**

6. On or about August 2, 1995, Defendant(s) opened a credit account with Discover Bank in the Defendant's(s)' name under its account number ending in \*\*\*\*\*9258. Defendant(s) used the account and thereby became obligated to pay for the balance owed on the credit account. Plaintiff's records indicate Defendant's(s)' last payment on the account occurred on April 13, 2014. Defendant(s) defaulted on the obligation to make monthly payments on the credit account, and the account was subsequently canceled. The credit account was subsequently closed due to nonpayment and/or charged off to profit and loss on or about November 30, 2014. The balance remaining on the credit account is presently due and payable in full.

7. After allowing for all just and lawful offsets, credits, and payments on the credit account, the total balance due to Plaintiff by Defendant(s) on the Account is \$4,767.68.

8. The Plaintiff has made demand upon the Defendant(s) for payment of the amount due and payable in full. The Defendant(s) have failed, neglected, and refused to pay the amount requested.

9. Plaintiff has performed all conditions precedent to the filing of this action or all such conditions precedent have been performed or have occurred.

#### **E. Account Stated**

10. Plaintiff is entitled to recover on an account stated claim because (1) transactions between the Plaintiff and Defendant(s) gave rise to the indebtedness, (2) there existed an agreement between the Plaintiff and Defendant(s) which established the amount due to Plaintiff, and (3) the Defendant(s) promised to pay the Plaintiff on the indebtedness.

#### **F. Damages**

11. Plaintiff seeks damages on its liquidated claim in the amount of at least \$4,767.68, which is within the jurisdictional limits of this court.

#### **G. Conditions Precedent**

12. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

#### **H. Miscellany**

13. The undersigned attorneys hereby give notice that they and Plaintiff are attempting to collect a debt and any information obtained will be used for that purpose. Plaintiff's attorneys are debt collectors.

**I. Prayer**

14. For these reasons, Plaintiff asks that the court issue citation for Defendant to appear and answer, and that Plaintiff be awarded a judgment against Defendant for the following:

- a. Actual damages in the amount of \$4,767.68.
- b. Court costs.
- c. All other relief to which Plaintiff is entitled.

Respectfully submitted;  
RAUSCH, STURM, ISRAEL, ENERSON & HORNIK LLC  
ATTORNEYS IN THE PRACTICE OF DEBT COLLECTION

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