

CL-24-1465-D

CAUSE NO.

Midland Credit Management, Inc.
Plaintiff,

vs.

SERGIO GONZALEZ
Defendant.

§ **IN THE COUNTY COURT**
§
§
§ **AT LAW NO. ____**
§
§ **OF HIDALGO COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Midland Credit Management, Inc. ("Plaintiff"), a foreign corporation, and for cause of action against Defendant Sergio Gonzalez, would show unto the Court as follows:

Discovery Control Plan

1. Discovery is to be conducted under Level 1 of Rule 190 of the Texas Rules of Civil Procedure.
2. Plaintiff seeks only monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

Nature of Case

3. Plaintiff seeks a recovery for damages arising from Defendant Sergio Gonzalez's default on a Credit Account, which Defendant used or authorized to be used and for which Defendant became obligated to repay. Plaintiff sues herein for suit on debt/account stated. Plaintiff seeks a money judgment against the Defendant.

Parties

4. Plaintiff, Midland Credit Management, Inc., is a foreign corporation .
5. Defendant Sergio Gonzalez is an adult individual upon whom service of citation may be had at Defendant's residence which is located at 4513 Ben Hogan Ave, Mcallen, TX 78503 or where they may be found.

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Venue

6. Venue is proper in Hidalgo County pursuant to Section 15.002(a)(2) of the Texas Civil Practice and Remedies Code because it is the county of residence for one or more of the defendants at the time the cause of action accrued.

Facts

7. In the usual course of business, Comenity Capital Bank advanced dollar amounts on a Credit Account, account number XXXXXXXXXXXXXXX1326, which Defendant used or authorized to be used for the purchases of goods, merchandise, services or for cash advances and for which Defendant became bound to repay Comenity Capital Bank for all amounts thereby advanced (hereinafter, the "Account").

8. The Defendant ceased making the required payments on the Account, thereby creating a default. Ultimately, the Account was charged-off on December 31, 2022. As of the filing of this lawsuit, there remains an unpaid balance of \$2,922.20.

9. Plaintiff is the true party in interest to the Contract in that it is the assignee, owner and/or beneficiary of all rights pursuant to an assignment of the Contract to Plaintiff.

10. On or about February 15, 2024, Plaintiff sent a letter to Defendant demanding payment in full of the Account (the "Demand Letter"); however, despite delivery of the Demand Letter, the Account has not been paid. There continues to be owed by Defendant to Plaintiff an unpaid balance of \$2,922.20.

COUNT I - Suit on Debt / Account Stated

11. Paragraphs 1 through 10 are incorporated by reference.

12. Plaintiff is the owner and beneficiary of all claims related to the Account. In accordance with federal regulations, Comenity Capital Bank sent monthly periodic statements for the Account to the Defendant. Based upon Plaintiff's records, there are no unresolved billing disputes related to the Account and the amount that is due and owing on the Account is \$2,922.20; said amount being just and true after all lawful offsets, payments and credits have been allowed.

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13. Plaintiff is entitled to recover on the Account because (i) transactions between Plaintiff and the Defendant gave rise to an indebtedness, (ii) there existed an agreement between the Plaintiff and the Defendant which established the amount that was due to Plaintiff, and (iii) the Defendant promised to pay Plaintiff on the debt which was incurred, but failed to do so.

14. Plaintiff has presented its claim to Defendant for payment, but Defendant has failed and refused to pay the amount owed.

Waiver of Attorneys Fees

15. Plaintiff expressly waives its right, if any, to recover its attorneys fees in this matter.

Conditions Precedent

16. All conditions precedent to Plaintiff's right of recovery have been fulfilled.

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Prayer

WHEREFORE, Plaintiff Midland Credit Management, Inc. prays that Defendant Sergio Gonzalez be cited to appear and answer herein, that this Court set this matter for hearing, and that upon final hearing hereof, Plaintiff have judgment against the Defendant as set forth herein:

- a. Damages in the amount of \$2,922.20,
- b. Cost of Court, and
- c. For such other relief to which Plaintiff may show itself entitled.

Respectfully submitted,

SCOTT & ASSOCIATES, P.C.,

/s/ Tarria Simmons Barker

Digitally signed by Tarria Simmons Barker
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Date: 4/3/2024 4:38:31 PM

Tarria Simmons Barker

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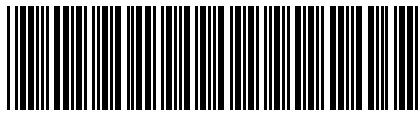
ATTORNEYS FOR PLAINTIFF



700 Highlander Blvd #200, Arlington, TX 76015
Phone: 214-920-9688

PARTNER
ABC E-File Texas
E-FILE ONLY, Dallas, TX 75220

ORIGINAL PETITION – CIVIL CASE COUNTY COURT



In re: Sergio Gonzalez
0128991-406

CL-24-1465-D

Clerk of the County Court
Hidalgo County, Texas
100 N Closner- 1st Floor
Edinburg, TX 78539

RE: Midland Credit Management Inc. vs. Sergio Gonzalez; TX County Court for Hidalgo County

Dear Sir or Madam:

Enclosed please find the following documents:

- Cover letter
- Original Petition (Original plus copies)

Instructions:

- Please file the Original Petition
- Please issue a separate Citation for each defendant for service by a private process server

The Citation(s) should be issued to:

Sergio Gonzalez
4513 Ben Hogan Ave
Mcallen, TX 78503

- Please return this coversheet, the original Citation, and a filed-stamped copy of the Original Petition to ABC Legal by:
 - Mail to ABC Legal at 700 Highlander Blvd Ste 200, Arlington TX 76015
 - Hold for pickup by local ABC courier
 - Email to mjscourts@abclegal.com

Thank you in advance for your assistance!
ABC Legal Services

**** Please do not throw me away ****
Return this page with the citation and petition
This barcode is very important to us



In re: Sergio Gonz
0128991-

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