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SUIT NO. 2009-54783

HARRIS COUNTY, ET AL

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IN THE DISTRICT COURT

VS.

133RD JUDICIAL DISTRICT

RICHARD EARL CHENEY, ET AL

HARRIS COUNTY, TEXAS

**ORDER TO DISBURSE FUNDS
FROM THE REGISTRY OF THE COURT**

On the 30th day of April, 2012, came on for consideration Plaintiffs' Motion to Withdraw Funds from the Registry of the Court. After consideration of the evidence and argument of counsel, the Court is the opinion that the relief requested by the Petition should be granted. It is accordingly,

ORDERED that Plaintiffs' Petition to Withdraw Funds from the Registry of the Court is hereby GRANTED.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, the District Clerk is hereby ordered to disburse from the funds held in the Registry of the Court the sum of: \$130.00 (for out of county citation fee) to: Linebarger Goggan Blair & Sampson, LLP, 1300 Main, Suite 300, Houston, Texas 77002.

SIGNED this the 30 day of May, 20 12

Jacqueline Moore
Judge Presiding

FILED
CURIS DANIEL
DISTRICT CLERK
HARRIS COUNTY, TEXAS
APR 20 PM 2:50

SUIT NO. 2009-54783

HARRIS COUNTY, ET AL

VS.

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IN THE DISTRICT COURT

133RD JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

PLAINTIFFS' PETITION TO WITHDRAW FUNDS
FROM THE REGISTRY OF THE COURT

COME NOW, Plaintiff(s) called:

HARRIS COUNTY, on behalf of itself and the following county-wide taxing authorities, the HARRIS COUNTY DEPARTMENT OF EDUCATION, the PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, the HARRIS COUNTY FLOOD CONTROL DISTRICT, the HARRIS COUNTY HOSPITAL DISTRICT (hereinafter Harris County) and CITY OF SEABROOK,

files this, its Motion to Withdraw Funds from the Registry of the Court and has giving notice to the listed Defendants below in accordance with section 34.04 of the TEXAS TAX CODE and the TEXAS RULE OF CIVIL PROCEDURE 21a:

I.

Plaintiff(s) filed suit against defendants, **Richard Earl Cheney TDJC #01369505 SID#05458860; Carri Leah Stark Keene aka Carrie Peltier; State of Texas and Natchez Landing Townhomes Owner's**, for delinquent taxes on a real property. A judgment for foreclosure was signed on **September 27, 2011**, in this cause and pursuant to said judgment the subject property was sold on **February 7, 2012** at a Constable's Sale to the highest bidder. The Constable's office distributed the amounts remaining due under the judgment for years **2007-2010**.

Costs pursuant to the judgment, specifically the out of county citation fee, have been deposited into the registry of the court, **specifically in Tax Escrow Receipt #263632**, by way of the Constable Tax Sale held on February 7, 2011. See District Clerk's Registry Printout attached hereto and incorporated herein as **Exhibit "A."** The citation fee totals **\$130.00**, as listed on the District Clerk's Bill of Costs. See **Statement of Accrued Costs/Fees** attached hereto and incorporated herein as **Exhibit "B."**

Funds from the sale, in the amount of \$14,237.16, specifically in Tax Escrow Deposit Receipt #263633, was deposited into the Registry of the Court. A recent order was signed on **April 16, 2012**, recorded under District Clerk's Image No. 51934242, granting the disbursement of the full amount of

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Chris Daniel

\$14,237, leaving a zero balance. See District Clerk's Registry Printout and signed Order attached hereto and incorporated herein as **Exhibit "C."**

II.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff(s), request the Court to enter an Order directing the District Clerk to pay the amount due from the Registry of the Court, **specifically from the Tax Escrow Deposit Receipt #263633,** to the Plaintiff(s).

Respectfully Submitted,

LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP
1300 MAIN, SUITE 300 (77002)
P O BOX 3064
HOUSTON, TX 77253-3064
(713) 844-3590, (713) 844-3529 FAX



Emily K. Watkins
State Bar No.24052164
Attorney for Plaintiff(s)

FILED
CHRIS DANIEL
DISTRICT CLERK
HARRIS COUNTY, TEXAS
APR 20 PM 2:50
DEPUTY

CERTIFICATE OF SERVICE

I hereby certify that a complete and correct and a true and correct copy of the attached documents were sent on the 20th day of April, 20 12 in accordance with Rules 21 and 21(a) of the Texas Rules of Civil Procedure to:

Perdue Brandon
Attorney for Clear Creek ISD
1235 North Loop West, Ste 600
Houston, TX 77008
Fax: 713-862-1429

James Bellevue
Attorney for Richard Cheney & Carri Stark
6705 W. Hwy 290, Ste 502-295
Austin, TX 78735
Fax: 512-288-0317

Karen A. Maxwell
Attorney for Natchez Landing Townhomes Owners' Association, Inc.
1020 Bay Area Blvd, Ste 200
Houston, TX 77058
Fax: 281-667-3101

State of Texas
Greg Abbott, Attorney General
D/A: Lisa Reid
209 W. 14th St.
Austin, TX 78701



Attorney Certifying