

2 CIT/ ATTY

DC-14-00089

NO. _____

CUSTOM COMPONENTS COMPANY	§	IN THE DISTRICT COURT
ACQUISITIONS, LLC	§	
Plaintiff,	§	
	§	
V.	§	_____ JUDICIAL DISTRICT
	§	
MUSEUM TOWER LP AND AUSTIN	§	
BUILDING COMPANY	§	
Defendants.	§	OF DALLAS COUNTY, TEXAS

ORIGINAL PETITION

1. *Discovery.* Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. *Parties.* CUSTOM COMPONENTS COMPANY ACQUISITIONS, LLC, Plaintiff, whose address is 1200 E. Washington St., Rockwall, Texas 75087.

Defendant Museum Tower LP, a Limited Partnership based in Texas, may be served with process by serving Joshua Mond, the registered agent of Museum Tower, LP, at 4100 Harry Hines Blvd, Ste 100, Dallas, TX 75219. Service of said Defendant as described above can be made by personal delivery.

Defendant Austin Building Company, a Corporation based in Texas, is organized under the laws of the State of Texas, may be served with process by serving Corporation Service Company d/b/a CSC-Lawyers Incorporating, the registered agent of Austin Building Company, at 211 E. 7th Street, Suite 620, Austin, TX 78701. Service of said Defendant as described above can be made by certified mail, return receipt requested.

3. The subject matter in controversy is within the jurisdictional limits of this court.

4. Plaintiff seeks:

a. monetary relief over \$200,000 but not more than \$1,000,000.

5. This court has jurisdiction over the parties because Real Property is located in Dallas County, Texas.

6. *Facts.* On April 3, 2013, Plaintiff completed all required work on the Museum Tower construction project. The work was performed for Defendants' benefit.

7. *Debt.* Under terms of the contract between Plaintiff and Defendants, Defendants were obligated to pay Plaintiff for materials and services rendered and the sum currently unpaid is \$237,374.50. Defendants now owe \$237,374.50 but refuse to pay Plaintiff. Plaintiff, in addition to the foregoing, claims breach of contract and quantum meruit against Defendants all in an amount that exceeds the minimum jurisdictional limits of this court.

8. *Conditions Precedent.* All conditions precedent have been performed or have occurred.

9. *Lien.* Under Chapter 53 of the Texas Property Code, Plaintiff filed a Mechanic's and Materialman's Lien on Property more commonly known as 2120 Woodall Rogers Freeway, Dallas, Texas. This lien was fixed by Plaintiff on April 22, 2013. A copy of the lien affidavit, served on Defendants, is attached hereto as Exhibit A and is incorporated by reference.

10. *Attorney's Fees.* Defendants' failure to pay Plaintiff for Plaintiff's labor or services has made it necessary for Plaintiff to employ the undersigned attorney to file suit. This claim was timely presented to Defendants and remains unpaid. Reasonable fees for the attorney's services rendered and to be rendered are at least \$2,500.00.

11. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

12. *Prayer.* Plaintiff prays that-

- a. Defendants be cited to appear and answer;
- b. Plaintiff be granted judgment for \$237,374.50 as the principal amount due on the debt;
- c. Plaintiff be granted foreclosure of the lien against the property described in this petition;
- d. Plaintiff be granted judgment for prejudgment and postjudgment interest at the highest legal or contractual rate allowed by law;
- e. Plaintiff be granted judgment for at least \$2,500.00 as reasonable attorney's fees, with additional contingent amounts in the event of appellate proceedings;
- f. Plaintiff be granted judgment for all costs of court; and
- g. Plaintiff be granted all further relief to which Plaintiff may be entitled.

Respectfully submitted,

By: 

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FILE AS IS



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NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Affidavit Claiming Mechanic's and Materialman's Lien

Affiant, Ingrid Minckler, on oath swears that the following statements are true and are within the personal knowledge of Affiant:

My name is Ingrid Minckler. I am the Administrator of Accounts of Custom Components Company Acquisition, LLC ("Claimant"). This affidavit is made to perfect a mechanic's and materialman's lien against the real property described below:

1. Claimant has an unpaid claim in the amount of \$237,374.50 ("Claim Amount") for labor and materials furnished on the construction of improvements generally known as the Museum Tower construction project. The Claim Amount is, within my personal knowledge, just and true, the same is due and unpaid, and all just and lawful offsets, payments, and credits have been allowed. The Claim Amount is for labor and materials furnished and described below, on which a systematic record has been kept.

2. The name and last known address of the owner or reputed owner ("Owner") of the real property and improvements on which this claim is made are:

Museum Tower LP
1807 Ross Avenue, Suite 250
Dallas, TX 75201

3. The Claim Amount represents the unpaid contract price due Claimant, or, in the alternative, is the reasonable value of the unpaid portion of Claimant's labor and materials furnished, which are described below.

4. Claimant's labor and materials furnished for construction of improvements on the real property described below are generally described as fabrication and installation of Exterior Glass and Metal Railings. Payment of the Claim Amount is requested for work performed or materials furnished during each of the following months: completion dated April 2013.

5. Claimant furnished the above-described labor and materials under a contract with Austin Building Company, whose last known address is:

Austin Building Company
P.O. Box 2879
Dallas, Texas 75221

EXHIBIT A

page A-1 4

6. The name and last known address of the original contractor on the above-referenced project is:

Austin Building Company
P.O. Box 2879
Dallas, TX 75221

7. The legal description of the real property improved by Claimant's above-described labor and materials is:

Commonly known as: 2120 Woodall Rogers Freeway, Dallas, Texas.

That real property and improvements on it are sought to be charged with Claimant's lien.

8. Claimant claims a mechanic's and materialman's lien on the above-described real property and improvements thereon to secure payment of its Claim Amount in accordance with the Texas Property Code.

9. Claimant's physical address is 1200 E. Washington, Rockwall, TX 75087. Claimant's mailing address is 1200 E. Washington, Rockwall, TX 75087.

10. Claimant's notice of mechanic's lien was last sent to Owner by United States certified mail, return receipt requested, on the following date:

a. April 3, 2013.

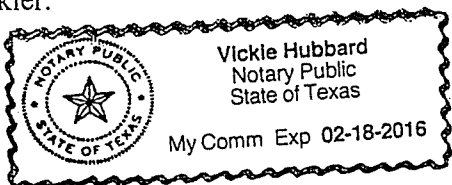
11. In compliance with the Texas Property Code, Claimant is sending one copy of this affidavit to Owner at its last known address and also one copy to the above-referenced original contractor at its last known address.

Custom Components Company Acquisition, LLC

Ingrid Minckler

Ingrid Minckler, Controller of Accounts of Custom Components Company Acquisition, LLC

SUBSCRIBED AND SWORN TO before me on April 18, 2013, by Ingrid Minckler.



Vickie Hubbard

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

David L. Kane, P.C.
5301 Village Creek Drive
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AFTER RECORDING RETURN TO:

David L. Kane, P.C.
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Plano, Texas 75093
Tel: (972) 665-0055
Fax: (972) 665-0100

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/22/2013 01:34:17 PM
\$24.00



A handwritten signature in black ink, appearing to be "JF", is written over the seal.

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