

CAUSE NO. 262100051885

OPORTUN, INC
PLAINTIFF

v.

Erick Garza
DEFENDANT

IN THE JUSTICE OF THE PEACE COURT
2 Place 1
HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

1. Plaintiff, OPORTUN, INC, is authorized to conduct business in the State of Texas.
2. Service is requested on Defendant(s), Erick Garza, by personal service at home or work or by alternative service. Upon information and belief, Plaintiff says that Erick Garza, an individual may be served at the following address 113 AVENUE E, SOUTH HOUSTON TX 77587..
3. Defendant executed and delivered to Plaintiff a promissory note in favor of Plaintiff. Attached hereto and incorporated herein by reference as **Exhibit A** is a true and correct copy of the promissory note. The last four digits of the Defendant's account number is ***6095.
4. Pursuant to Tex. R. Civ. P. 508.2, the date, amount, and final payment due date of the original loan are described in Exhibit A.
5. Plaintiff owns and holds the note.
6. Defendant(s) materially breached the promissory note by failing to timely pay Plaintiff as required by the promissory note, and, therefore, the obligation of Defendant(s) is in default.
7. It is unknown if the loan was accelerated prior to this lawsuit. However, Defendant waived their right to notice of intent to accelerate and notice of acceleration. Shumway v. Horizon Credit Corp., 801 S.W.2d 890 (Tex. 1991).

8. By virtue of the default by Defendant(s), Plaintiff seeks monetary damages in the amount of \$4,934.07, which is the amount due as of the filing of this petition. Attached hereto and incorporated herein as **Exhibit B** is a true and correct copy of a statement of the account of the Defendant(s).
9. Plaintiff is not seeking ongoing interest.
10. Defendant is not on active military service. Plaintiff statement that Defendant is not on active military service is based upon the attached certificate issued by the Servicemembers Civil Relief Act (SCRA) Website. Obtained by using the defendant's Social Security Number, Last Name and Date of Birth and showing that Defendant is not on active duty. Attached hereto and incorporated herein as **Exhibit C** is a true and accurate copy of the certificate issued by the Service members Civil Relief Act (SCRA) Website.

WHEREFORE, Plaintiff requests a judgment in its favor and against Defendant for:

- for total damages of unpaid sum \$4,934.07
- costs of this action and all other proper relief.

/s/ Malaysha Seals
Bar No.: 24128493
Aldridge Pite Haan, LLP
P.O. Box 7389
Marietta, GA 30065
txefile@aph-law.com
Tel.: 800-844-0045
Fax: 470-201-1231
APH No.: 26-35057