

FILED

Marilyn Burgess
District Clerk

P5

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DEC 12 2025

Time: 9:13 am

Harris County, Texas

By J.L. and (JL)

Deputy

Cause No. 2025 92876

SCOTT ALLEN WILLIS

§

v.

§

ELIZABETH ALVARADO

§

IN THE DISTRICT COURT

311TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

BILL OF REVIEW TO SET ASIDE DEFAULT JUDGMENT
AND
EX PARTE EMERGENCY MOTION FOR TEMPORARY POSSESSION OF CHILDREN

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, SCOTT ALLEN WILLIS, Plaintiff, appearing pro se, and files this Bill of Review to set aside the Final Order rendered in Cause No. 202417675 and seeks ex parte emergency temporary possession of his minor children, JOHN JESUS WILLIS (age 13) and NICOLE ELIZABETH WILLIS (age 11), who face immediate danger.

I. PARTIES

PLAINTIFF: SCOTT ALLEN WILLIS, 2111 Old Holzwarth Road, Unit 0702, Spring, Texas 77388, (281) 832-8814, iamnotcheckingit@gmail.com

DEFENDANT: ELIZABETH ALVARADO, 16601 Market Street, Channelview, Texas 77530

CHILDREN: JOHN JESUS WILLIS, age 13, and NICOLE ELIZABETH WILLIS, age 11

II. JURISDICTION AND VENUE

This Court has jurisdiction as the court that rendered the default judgment in Cause No. 202417675. Venue is proper in Harris County pursuant to Texas Family Code § 103.001.

III. THE UNDERLYING JUDGMENT

On August 20, 2024, this Court rendered a Final Order in Cause No. 202417675 appointing Defendant as sole managing conservator. The Final Order was obtained by default. Plaintiff did not participate because he had no knowledge of the SAPCR case. Plaintiff was unaware of the Final Order until October 16, 2025, when Defendant sent him a photograph of it.

IV. EMERGENCY CIRCUMSTANCES - IMMEDIATE DANGER TO CHILDREN

The children face IMMEDIATE AND ONGOING DANGER requiring action before full hearing:

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PHYSICAL HAZARDS: Exposed electrical wiring (fire/electrocution risk), structural collapse risk, inadequate heating in 40°F weather with exposed insulation, unsanitary conditions

SEVERE MEDICAL NEGLECT: Son's chipped tooth untreated **7+ months** (since April 15, 2025), daughter received **NO medical care 16 months** (since August 16, 2024), neither child received required annual wellness exams, BCBSTX records prove visits were sick visits (\$30 copays), not preventive care

FOOD INSECURITY: Children repeatedly requesting money for food ("Nicole is hungry," "Can I get some money so Nicole can eat")

EMOTIONAL HARM: Complete denial of visitation **348 days** (since December 27, 2024), daughter ceased all communication after December 2, 2025

These conditions documented since February 2023 (Exhibit 4 - eviction case). Any delay, including **24-48 hours**, poses unacceptable risk. Texas Family Code §§ 153.002 and 153.252 authorize emergency temporary orders. Prior notice would allow Defendant to remediate conditions, coach children, or remove evidence.

V. GROUNDS FOR BILL OF REVIEW

A Bill of Review requires: (1) meritorious defense; (2) prevented by fraud/wrongful act; (3) unmixed with petitioner's fault. Baker v. Goldsmith, 582 S.W.2d 404, 406 (Tex. 1979).

A. EXTRINSIC FRAUD

Defendant filed TWO simultaneous cases, properly serving Plaintiff in one while improperly serving him in the other:

HABEAS CASE (202353496): Properly served Plaintiff at correct address in New Orleans. Plaintiff attended trial June 3, 2024. **DEFENDANT FAILED TO APPEAR.** Case **DISMISSED FOR WANT OF PROSECUTION.**

SAPCR CASE (202417675): Service to 10202 Challenger 7 Drive, Apt 602—address abandoned by BOTH parties in 2013 (11+ years before filing). Defendant knew address was invalid (proven by proper Habeas service). Default granted August 20, 2024.

Plaintiff's Habeas attendance PROVES when properly served, he appears and defends himself.

DEFENDANT RETAINED SERVICE DOCUMENTS: April 7, 2024, Plaintiff arrested during scheduled visit. Papers served but Defendant retained documents. When property surrendered to police, Defendant provided other items but withheld legal papers.

THREE REQUESTS IGNORED: Plaintiff emailed Defendant's counsel three times (April 28, April 30, May 2024) requesting service documents and mediation. All emails showed subject

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line "Case 202353406" (Habeas case number). Plaintiff received **NO RESPONSE** to any request.

COUNSEL NEVER CORRECTED CONFUSION: Despite **THREE emails** clearly showing wrong case number, counsel **never informed Plaintiff** that separate SAPCR case existed or that default was being sought. Defendant and counsel knew Plaintiff was confused, knew he was attending Habeas trial, knew he would not appear in SAPCR, and remained silent while obtaining default.

Without service documents, Plaintiff could not determine cause number, court, or relief sought. Service to address abandoned 11 years, when Defendant had actual knowledge of correct location, fails constitutional standards. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

This is **calculated extrinsic fraud** to strip Plaintiff of parental rights while he actively participated in properly-served Habeas case.

POST-JUDGMENT CONCEALMENT: The **fraud continued** after the default judgment. From August 20, 2024 through December 27, 2024, Defendant brought the children for **unsupervised visits with Plaintiff**, in direct violation of the Final Order she had obtained requiring supervised visitation. **Defendant never informed Plaintiff that the order existed** or that visits were supposed to be supervised. On October 16, 2025—when **Defendant first mentioned supervised visitation**—Plaintiff immediately requested to see the court order. This was Plaintiff's first request because it was the first time Defendant mentioned any supervision requirement. Defendant immediately sent the order, proving she had possessed it all along while violating its terms for 16 months. She **strategically waited to disclose** the order until **2 weeks after the Domestic Relations Office closed the supervised visitation file**, when supervised visitation was no longer accessible.

B. MERITORIOUS DEFENSE

Plaintiff has **meritorious defense** and would have contested sole managing conservatorship. Plaintiff provides ongoing financial support; maintains health, dental, and life insurance through BCBSTX; consistently attempts contact with children; completed Deferred Adjudication and BIPP; appeared when properly served in Habeas case. Children face immediate danger at Defendant's residence (detailed in Affidavit and Exhibits). Had Plaintiff received proper SAPCR notice, he would have presented evidence supporting joint managing conservatorship or primary possession based on children's best interest.

C. UNMIXED WITH PLAINTIFF'S FAULT

Plaintiff's lack of knowledge **NOT due to his fault**: SAPCR served to address abandoned in 2013; Habeas properly served—proving Defendant knew where to find him; service documents retained by Defendant; **THREE requests** for documents—**no response**; THREE mediation

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requests—no response; all emails referenced Habeas case number—counsel **never corrected confusion**; criminal defense counsel advised against custody action during probation/BIPP.

Plaintiff's Habeas attendance proves he was not negligent. **When properly served, he appeared.** Plaintiff's inability to defend in SAPCR was direct result of Defendant's improper service, retention of documents, and counsel's deliberate stonewalling. Plaintiff diligently pursued rights once aware of SAPCR Final Order (October 2025), completing all requirements before filing.

VI. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays:

- A. GRANT this Bill of Review and SET ASIDE** the Final Order in Cause No. 202417675;
- B. GRANT Ex Parte emergency temporary orders** awarding Plaintiff immediate temporary possession of the children pending hearing;
- C. ORDER** Defendant to immediately surrender physical possession of the children;
- D. GRANT** Plaintiff temporary sole managing conservatorship pending hearing on the merits;
- E. ORDER** Plaintiff to take JOHN JESUS WILLIS for dental and medical examination within 72 hours;
- F. ORDER** Plaintiff to schedule comprehensive medical checkup for NICOLE ELIZABETH WILLIS within 72 hours;
- G. ORDER** immediate safety inspection of Defendant's residence at 16601 Market Street;
- H. ORDER** in-camera interview of the children pursuant to Texas Family Code § 153.009;
- I. If Ex Parte possession not granted, ORDER** immediate unsupervised visitation pending emergency hearing;
- J. SET** expedited hearing on temporary orders and merits of Bill of Review;
- K. SET** underlying SAPCR for trial on merits to determine conservatorship in children's best interest;
- L. ORDER** District Clerk to provide Plaintiff certified copies of all documents filed in Cause No. 202417675;
- M. AWARD** such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

SCOTT ALLEN WILLIS

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SCOTT ALLEN WILLIS, Plaintiff, Pro Se

2111 Old Holzwarth Road, Unit 0702, Spring, Texas 77388

(281) 832-8814, iamnotcheckingit@gmail.com

CERTIFICATE OF SERVICE - EX PARTE FILING

This Bill of Review and Ex Parte Emergency Motion are filed without prior service on Defendant due to emergency circumstances. Service will be made as directed by the Court.

SCOTT ALLEN WILLIS

SCOTT ALLEN WILLIS

VERIFICATION

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, personally appeared SCOTT ALLEN WILLIS, who, being duly sworn, on oath stated:

"My name is SCOTT ALLEN WILLIS. I am over 18 years of age, of sound mind, and competent to make this verification. I am the Plaintiff and have read the foregoing Bill of Review and Ex Parte Emergency Motion. The facts stated are within my personal knowledge and are true and correct."

SCOTT ALLEN WILLIS

SCOTT ALLEN WILLIS

SWORN TO AND SUBSCRIBED before me on this 12 day of December, 2025.

Notary Public, State of Texas

My Commission Expires: 3/26/29

