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NO. _____

DISCOVER BANK,
Plaintiff

v.

KIM R SMITH,

Defendant(s)

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IN THE COUNTY COURT

AT LAW NO _____

HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

DISCOVER BANK, ("Plaintiff"), complains of KIM R SMITH, ("Defendant(s)"), and for its cause of action would respectfully show the Court as follows:

1. This cause of action is governed by the rules for Expedited Actions under the Texas Rules of Civil Procedure Rule 169 because the Plaintiff is seeking only monetary relief of two-hundred and fifty thousand dollars or less excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs. Discovery is intended to be conducted under Level 1 of Rule 190.2 of the Texas Rules of Civil Procedure. Damages sought are within the jurisdictional limits of the court.
2. Plaintiff is a FDIC-insured Delaware State Bank. Plaintiff may be contacted through the undersigned attorney.

3. Defendant(s) is/are a resident(s) of HARRIS County, Texas, and may be served with process at 7815 DEERWOOD LAKE DR, HUMBLE, TX 77346. Venue is proper in this Court because Defendant(s) resides/reside in this county at the time of the filing of this suit.

BREACH OF WRITTEN CONTRACT

4. Defendant(s) obtained a credit account from Plaintiff. The credit account is identified as ending in account number 821.
5. Plaintiff and Defendant(s) entered into a credit account agreement ("the Agreement"). Under the terms of the Agreement, Plaintiff rendered credit services to Defendant(s). Defendant(s) accepted the credit services and under the Agreement became bound to pay Plaintiff the amounts of such credit services, plus additional amounts due under the Agreement.
6. Defendant(s) has/have failed to repay all of the credit services rendered under the Agreement. The current balance due, owing and unpaid under the Agreement, after allowing all just and lawful payments, credits and offsets, is \$20,045.28. The terms of the Agreement control the accrual of additional charges, interest, and other amounts. Plaintiff has made demand upon Defendant(s) for payment of the balance due under the Agreement, but Defendant(s) has/have failed to pay the balance.
7. All conditions precedent to Plaintiff's right to bring suit on its claims have been performed or have occurred.

Wherefore, Plaintiff demands judgment in the amount of \$20,045.28 against Defendant(s), plus post-judgment interest, and court costs to the extent permitted by applicable law.

Respectfully submitted,

ZWICKER & ASSOCIATES, P.C.

A Law Firm Engaged in Debt Collection

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