

Case No. 1243124

**PORTFOLIO RECOVERY ASSOCIATES, LLC**  
**Plaintiff**

**In the County Court at Law No. 1**

**v.**  
**MICHAEL GARCIA**

**Defendant(s)**

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**HARRIS County Texas**

1/21/2025 12:00 AM  
 Teneshia Hudspeth  
 County Clerk  
 Harris County

### **PLAINTIFF'S ORIGINAL PETITION**

#### **A. Discovery Control Plan**

1. Plaintiff intends to conduct discovery under Level 1 pursuant to Tex. R. Civ. P. § 190.1 and affirmatively pleads that it seeks monetary relief of \$250,000 or less.

#### **B. Parties**

2. The address for Plaintiff, PORTFOLIO RECOVERY ASSOCIATES, LLC, is PO BOX 12914, NORFOLK VA 23541.
3. Defendant, MICHAEL GARCIA may be served with process at **16602 SUNSET GREEN CT, CYPRESS TX 77429**, or at such other place as the Defendant may be found.

#### **C. Jurisdiction**

4. Plaintiff seeks only monetary relief of \$250,000 or less excluding, interest, statutory or punitive damages and penalties, and attorneys fees and costs.
5. Plaintiff asserts that the above-named court has jurisdiction over the subject matter of this case and the person(s) of Defendant(s) and that the damages sought are within the jurisdictional limits of the court.

#### **D. Venue**

6. Venue of this action is proper in the county named above because Defendant(s) is/are adult individual(s) believed to be residing in said county at the time of commencement of suit.

#### **E. Facts**

7. On or about February 4, 2022, Defendant(s) opened a credit account with CREDIT ONE BANK, N.A. in the Defendant's(s') name under its account number ending in \*\*\*\*\*3627. Defendant(s) used the account and thereby became obligated to pay for the balance owed on the credit account. Plaintiff's records indicate Defendant(s)' last payment on the account occurred on or about February 13, 2023. Defendant(s) defaulted on the obligation to make monthly payments on the credit account. The credit account was subsequently closed due to nonpayment and/or charged off to profit and loss on or about August 18, 2023. On or about September 27, 2023, CREDIT ONE BANK, N.A. assigned Defendant's(s') credit account to Plaintiff, and Plaintiff is the current holder of Defendant's(s') account and the proper party to bring this lawsuit. The balance remaining on the credit account is presently due and payable in full.
8. Defendant(s) applied for and received a credit account bearing the account number \*\*\*\*\*3627. Defendant(s) used or authorized the use of the Account for the acquisition of goods, services, balance transfers or cash advances in accordance with the customer agreement governing use of the Account with CREDIT ONE BANK, N.A. .

9. Defendant(s) breached the agreement by failing to make periodic payments as required thereby and the Account was subsequently charged-off. The current Account balance is \$610.51 which includes any applicable payments and credits. The Account is not accruing post charge-off interest.
10. That although demand has been made upon Defendant(s), neither the said sums or any portion thereof has been paid.
11. Plaintiff has performed all conditions precedent to the filing of this action or all such conditions precedent have been performed or have occurred.

**F. Account Stated**

12. Plaintiff is entitled to recover on an account stated claim because (1) transactions between the Original Creditor and Defendant(s) gave rise to the indebtedness, (2) there existed an agreement between the Original Creditor and the Defendant(s) which established the amount due to Original Creditor, and (3) the Defendant(s) promised to pay the Original Creditor on the indebtedness.

**G. Damages**

13. Plaintiff seeks damages on its liquidated claim in the amount of at least \$610.51, which is within the jurisdictional limits of this court.

**H. Conditions Precedent**

14. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

**I. Miscellany**

15. The undersigned attorneys hereby give notice that they and Plaintiff are attempting to collect a debt and any information obtained will be used for that purpose. Plaintiff's attorneys are debt collectors.

**J. Prayer**

16. For these reasons, Plaintiff asks that the court issue citation for Defendant to appear and answer, and that Plaintiff be awarded a judgment against Defendant for the following:

- a. Actual damages in the amount of \$610.51.
- b. Court costs.
- c. All other relief to which Plaintiff is entitled.

Respectfully submitted;  
RAUSCH STURM LLP  
ATTORNEYS IN THE PRACTICE OF DEBT COLLECTION

By:

**ATTORNEY CONTACT INFO:**

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ATTORNEY FOR PLAINTIFF

4953474

**To the Defendant** Pursuant to Rule 21, Texas Rules of Civil Procedure: Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.

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rsieh courts on behalf of Paula Pitter  
Bar No. 24119408  
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Envelope ID: 96387033  
Filing Code Description: Petition  
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Status as of 1/21/2025 3:26 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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