

**SUIT NO. 348-D37518-23**

<b>TARRANT COUNTY, ET AL</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>VS.</b>	§	<b>348TH JUDICIAL DISTRICT</b>
	§	
<b>J.R. BENTLEY'S ENGLISH PUB, INC.</b>	§	<b>TARRANT COUNTY, TEXAS</b>

**PLAINTIFFS' SECOND AMENDED PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**I.**

**PLAINTIFF(S)**

This suit is brought for the recovery of delinquent ad valorem taxes under TEX. TAX CODE § 33.41 by the following named Plaintiff(s), whether one or more, each of which is a taxing unit and is legally constituted and authorized to impose and collect taxes on property:

**TARRANT COUNTY, CITY OF ARLINGTON, ARLINGTON INDEPENDENT SCHOOL DISTRICT, TARRANT COUNTY COLLEGE DISTRICT, TARRANT COUNTY HOSPITAL DISTRICT and ARLINGTON BUSINESS IMPROVEMENT DISTRICT**

The Plaintiff(s) intends discovery to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure.

**DEFENDANT(S)**

The following are named as Defendant(s) in this suit, and they may be served with notice of these claims by service of citation at the address and in the manner shown as follows:

**J.R. Bentley's English Pub, Inc., A Texas Corporation, upon whom service may be obtained by serving its Registered Agent, James D. Harrison at 1107 S Airport Cir Ste C, Euless, TX 76040;**

**The State of Texas, (Lienholder, In Rem Only), against whom foreclosure only is sought herein, said state having acquired its interest in the subject property through the Comptroller of Public Accounts, an agency thereof, by virtue of State Tax Lien filed on the 13th day of March, 2023, Clerk's File No. D223040272, State Tax Lien Records of Tarrant County, Texas, upon whom service may be obtained by serving Honorable Glenn Hegar, Texas Comptroller of Public Accounts, or his designee for service of process, 111 East 17th Street, Austin, Texas 78774, and by mailing a copy of the citation by certified mail to the Honorable Ken Paxton, Attorney General for the State of Texas or his designee for service of process, 300 West 15th Street, Austin, Texas 78701;**

**Encore Bank, A Financial Institution (Lienholder, In Rem Only), upon whom service may be obtained by serving its President, Burt Hicks at 1801 Rahling Rd., Little Rock, AR 72223**

if living, and if any or all of the above named Defendant(s) be deceased, the unknown heirs of each or all of the said above named deceased persons; and the unknown owner or owners of the following

described property; and the executors, administrators, guardians, legal representatives, devisees of the above named persons; and any and all other persons, including adverse claimants, owning or having any legal or equitable interest in or lien upon the below described property located in the county in which this suit is brought.

The following taxing unit(s), whether one or more, is joined as a party herein as required by TEX. TAX CODE § 33.44(a) because it may have a claim and lien for delinquent taxes against all or part of the same property described below: **NONE**. The foregoing named taxing unit(s), if any, is invited to add its claim by intervening herein.

**II.**

Claims for all taxes becoming delinquent on said property at any time subsequent to the filing of this suit, up to the day of judgment, including all penalties, interest, attorney’s fees, and costs on same, are incorporated in this suit, and Plaintiff(s) is entitled to recover the same, upon proper proof, without further citation or notice. Plaintiff(s) is further entitled to recover each penalty that is incurred and all interest that accrues on all delinquent taxes imposed on the property from the date of judgment to the date of sale.

**III.**

As to each separately described property shown below, there are delinquent taxes, penalties, interest, and costs justly due, owing and unpaid to Plaintiff(s) for the tax years and in the amounts as follows, if paid March, 2024.

**PROPERTY AND AMOUNTS OWED**

**ACCT. NO.03937747 ; Being 0.2390 acres, more or less, out of the John Huitt Survey, Abstract 703, a Tract 5, situated in the City of Arlington, Tarrant County, Texas and located within the Arlington Independent School District, and being further described in Document #D221273255, of the Tarrant County Deed Records**

**TARRANT COUNTY**

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2022	\$1,393.35	\$713.39	\$2,106.74
2023	\$1,318.71	\$334.29	\$1,653.00
<b>TOTALS:</b>	<b>\$2,712.06</b>	<b>\$1,047.68</b>	<b>\$3,759.74</b>

**CITY OF ARLINGTON**

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2022	\$3,730.94	\$1,675.19	\$5,406.13
2023	\$3,998.84	\$1,013.71	\$5,012.55
<b>TOTALS:</b>	<b>\$7,729.78</b>	<b>\$2,688.90</b>	<b>\$10,418.68</b>

**ARLINGTON INDEPENDENT SCHOOL DISTRICT**

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2022	\$8,140.52	\$3,655.09	\$11,795.61
2023	\$7,563.77	\$1,917.42	\$9,481.19
<b>TOTALS:</b>	<b>\$15,704.29</b>	<b>\$5,572.51</b>	<b>\$21,276.80</b>

**ARLINGTON BUSINESS IMPROVEMENT DISTRICT**

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2022	\$995.25	\$446.87	\$1,442.12
2023	\$1,084.80	\$275.01	\$1,359.81
<b>TOTALS:</b>	<b>\$2,080.05</b>	<b>\$721.88</b>	<b>\$2,801.93</b>

**TARRANT COUNTY COLLEGE DISTRICT**

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2022	\$809.70	\$414.56	\$1,224.26
2023	\$760.51	\$192.79	\$953.30
<b>TOTALS:</b>	<b>\$1,570.21</b>	<b>\$607.35</b>	<b>\$2,177.56</b>

**TARRANT COUNTY HOSPITAL DISTRICT**

Tax Year(s)	Tax Amount	Penalties and Interest	Total Due
2022	\$1,396.02	\$714.76	\$2,110.78
2023	\$1,318.71	\$334.29	\$1,653.00
<b>TOTALS:</b>	<b>\$2,714.73</b>	<b>\$1,049.05</b>	<b>\$3,763.78</b>

**TOTAL DUE** **\$44,198.49**

The total aggregate amount of taxes, penalties, interest, and attorney's fees (if any) for which Plaintiff(s) sues is **\$44,198.49**, subject to additional taxes, penalties, interest, and attorney's fees that accrue subsequent to the filing of this petition.

IV.

All of the taxes were authorized by law and legally imposed in the county in which this suit is brought. The taxes were imposed in the amount(s) stated above on each separately described property for each year specified and on each person named, if known, who owned the property on January 1 of the year for which the tax was imposed. Plaintiff(s) now has and asserts a lien on each tract of real property and each item of personal property described herein to secure the payment of all taxes, penalties, interest and costs due. Pursuant to Rule 54 of the Texas Rules of Civil Procedure, Plaintiff(s) affirmatively avers that all things required by law to be done have been done properly by the appropriate officials and all conditions precedent have been met.

V.

All of the property described above was, at the time the taxes were assessed, located within the territorial boundaries of each taxing unit in whose behalf this suit is brought. All Defendants named in this suit either owned the property that is the subject of this suit on January 1 of the year in which taxes were imposed on said property, or owned or claimed an interest in or lien upon said property at the time of the filing of this suit. The value of any personal property that may be described above, and against which the tax lien is sought to be enforced, is in excess of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).

## VI.

The Law Firm represented by the attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of Plaintiff(s). Plaintiff(s) should recover attorney's fees as provided by law for the prosecution of this case, and such attorney's fees should be taxed as costs.

## VII.

Plaintiff(s) may have incurred certain expenses in the form of abstractor's costs in procuring data and information as to the name, identity and location of necessary parties, and in procuring necessary legal descriptions of the property that is the subject of this suit. Said expenses, if incurred, are reasonable and are in the following amount: **\$150.00**. The abstractor's costs, if any be shown, should be taxed as costs herein.

## PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff(s) requests that citation be issued and served upon each Defendant named herein, commanding them to appear and answer herein in the time and manner required by law. Plaintiff(s) further prays, upon final hearing in this cause, for foreclosure of its liens against the above-described property securing the total amount of all delinquent taxes, penalties and interest, including taxes, penalties and interest becoming delinquent during the pendency of this suit, costs of court, attorney's fees, abstract fees, and expenses of foreclosure sale. Plaintiff(s) further prays for personal judgment against Defendant(s) who owned the property on January 1 of the year for which the taxes were imposed for all taxes, penalties, interest, and costs that are due or will become due on the property, together with attorney's fees and abstractor's fees. Plaintiff(s) further prays for: (1) the appropriate order of sale requiring the foreclosed property to be sold, free and clear of any right, title or interest owned or held by any of the named Defendants, at public auction in the manner prescribed by law, and (2) writs of execution, directing the sheriffs and constables for the State of Texas, to search out, seize, and sell sufficient property of the Defendant(s) against whom personal judgment may be awarded to satisfy the lawful judgment sought herein. Finally, Plaintiff(s) prays for such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

LINEBARGER GOGGAN BLAIR &  
SAMPSON, LLP  
100 Throckmorton Suite 1700  
Fort Worth, TX 76102  
(817) 877-4589

(817) 877-0601 - FAX

A handwritten signature in cursive script that reads "Barbara M. Williams". The signature is written in black ink and is positioned above the typed name.

Barbara M. Williams  
State Bar No. 11353040  
FW.Litigation@lgbs.com  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been delivered in the manner required by Rules 21 and 21a, Tex. R. Civ. Proc., to all parties or their attorneys in this cause, on 13th day of March, 2024, addressed as follows:

State of Texas (Lienholder, In Rem Only)  
by serving Glenn Hegar  
Comptroller Of Public Accounts  
111 E 17th Street  
Austin, TX 78774

Michael P. Menton  
SettlePou  
3333 Lee Pkwy., Eight Floor  
Dallas, TX 75219-5108  
mmenton@settlepou.com



Barbara M. Williams  
State Bar No. 11353040  
FW.Litigation@lgbs.com  
Attorneys for Plaintiff(s)

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Isabel Vega on behalf of Barbara Williams  
Bar No. 11353040  
Isabel.Vega@lgbs.com  
Envelope ID: 85498554  
Filing Code Description: Amended Filing  
Filing Description: Amended2  
Status as of 3/13/2024 12:38 PM CST

#### Case Contacts

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