

PRIVATE PROCESS

THE STATE OF TEXAS

No. 30-C-10-01027-01

PORTER POULTRY & EGG COMPANY
INCORPORATED
Plaintiff
Vs.

ANIMAL SANCTUARY OF THE UNITED
STATES DBA THE WILD ANIMAL
ORPHANAGE
Defendant

In the Justice Court

Precinct Three

Bexar County, Texas

Citation Directed to: ANIMAL SANCTUARY OF THE UNITED STATES
DBA THE WILD ANIMAL ORPHANAGE SERVE EITHER ITS PRESIDENT,
CAROL ASVESTAS, OR ITS REGISTERED AGENT, RON ASVESTAS

CITATION

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM on the Monday next following the expiration of ten days after you were served this citation and petition, a default judgment may be taken against you. Said petition was filed on the 20th day of July, 2010. A copy of Plaintiff's Petition or Statement of Claim is attached hereto, and states the nature of Plaintiff's demand, his name and address, and that of his attorney (if any).

GIVEN UNDER MY HAND OFFICIALLY on this 26TH DAY OF July, 2010.

By:



Clerk/Judge

KEITH BAKER
JUSTICE COURT PRECINCT 3
8918 TESORO DR #300
SAN ANTONIO TX 78217-6227
PHONE: (210) 335-4700

KYLE E NEILL ,

Attorney / Plaintiff

11550 W IH -10 287
SAN ANTONIO TX 78230-1061

COPY

NO.

30-C-10-010270

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JUL 20 09 10:42
BEXAR COUNTY, TEXAS
IN THE JUSTICE COURT

PORTER POULTRY & EGG
COMPANY INCORPORATED

VS.

ANIMAL SANCTUARY OF THE
UNITED STATES DBA THE WILD
ANIMAL ORPHANAGE

PRECINCT NO. 3

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

Porter Poultry & Egg Company Incorporated, Plaintiff, complains of **Animal Sanctuary of the United States dba The Wild Animal Orphanage**, Defendant, and would show the Court:

I.

Plaintiff intends to conduct discovery under Level 1 of T.R.C.P. 190.

II.

Defendant is a Texas corporation which may be served by serving either its president, Carol Asvestas, or its registered agent, Ron Asvestas, at 9626 Leslie Rd., San Antonio, Texas, 78254, or at P.O. Box 690422, San Antonio, Texas, 78269-0422.

III.

On the dates as shown in the itemized verified account, attached and made a part hereof as Exhibit "A", Plaintiff, at the special instance and request of Defendant or its agents and in consideration of Defendant's promise to pay, sold Defendant in the regular course of business in San Antonio, Bexar County, Texas, certain goods, merchandise and/or services, more particularly described in Exhibit "A". Defendant became bound and liable to pay to Plaintiff therefore in Bexar

County Texas, within 30 days. The total charges shown on the account are reasonable, just, true, correct and unpaid. The account shows all credits and lawful offsets to which Defendant is entitled.

IV.

Plaintiff has fully performed all of its obligations under the agreement, but Defendant has failed and refused to pay the account despite request to do so to Plaintiff's damage in the sum of \$12,539.00.

V.

Defendant's failure to pay the amounts due caused Plaintiff damages by way of lost use of those sums. Plaintiff seeks additional damages for loss of use of those sums and is entitled to interest at the rate prescribed by law from June 1, 2010, until the date of judgment.

VI.

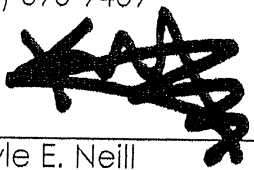
More than 30 days have expired since the claim was presented to Defendant for payment and it has been necessary for Plaintiff to hire an attorney for collection for which Defendant is obligated to pay Plaintiff a reasonable attorney's fee of \$5,000.00 as provided in Section 38.001 of Civ.Prac.Rem.C.

PRAYER

Plaintiff prays Defendant, **Animal Sanctuary of the United States dba The Wild Animal Orphanage**, be cited to answer, and that Plaintiff have Judgment against Defendant for \$12,539.00, plus an attorney's fee of \$5,000.00, and Court costs, for pre-judgment interest as damages as provided by law from June 1, 2010, until the date of Judgment, plus maximum legal interest from the date of judgment until

paid, and for further relief as the Court deems just.

KYLE E. NEILL, P.C.
11550 W. IH-10, Suite 287
San Antonio, Texas 78230-1063
(210) 690-9409

By 

Kyle E. Neill
State Bar #14872500
Attorney for Plaintiff

AFFIDAVIT

My name is Kyle E. Neill. I am over the age of eighteen (18). I have never been convicted of a crime and I am fully competent to make this Affidavit and am personally aware of the facts stated herein.

I am the attorney and authorized agent for Porter Poultry & Egg Company Incorporated, Plaintiff in the above-styled and numbered cause. I have read the above and foregoing Plaintiff's Original Petition and the allegations set forth therein are within my knowledge and are just and true, that the balance of \$12,539.00 is due and unpaid, and that all just and lawful offsets, payments and credits have been allowed.

By: 

Kyle E. Neill

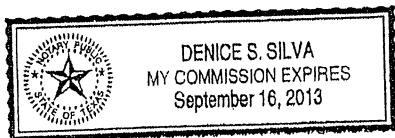
VERIFICATION

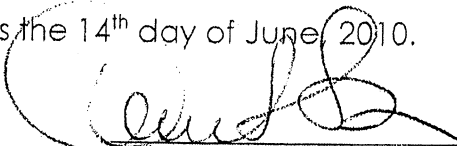
STATE OF TEXAS

COUNTY OF BEXAR

BEFORE ME this day personally appeared Kyle E. Neill who, being by me first sworn, states that he is the duly authorized agent and attorney for Porter Poultry & Egg Company Incorporated and that he has read the above and foregoing Plaintiff's Original Petition and that every statement contained therein is within his knowledge and is just and true, that the balance of \$12,539.00 is due and unpaid, and that all just and lawful offsets, payments and credits have been allowed.

SUBSCRIBED and SWORN TO before me this the 14th day of June, 2010.





Notary Public, State of Texas

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