NO. 20187

PLAINTIFF

IN THE COUNTY COURT
AT LAW

8

NO. 3

AND GEO-TECH ENGINEERING, INC.

FORT BEND COUNTY, TEXAS

PEAINTIFF'S VERIFIED MOTION TO REINSTATE

Plaintiff asks the court to reinstate this case on its docket, under the authority of Texas Rule of Civil Procedure 1654.

#### A. Introduction

1. Plaintiff is an analysis of the condense of the Parker of the Condense of t

Plaintiff sucd defendant due to on or about October 27, 1998, Geo-Tech, by and through its President Oxyst Eastwood fortifulently obtained a judgment in the ainst the Japane of the Peace Court, Precinct Two Place 2 of Harris County, Texas in Cause No. State This judgment was paid on or about March 29, 1999, pursuant to a Writ of Exegution. No previous notice was presented to with regard to this alleged debt. The court file on this matter was obtained from the Justice of the Peace Court to determine the name and address of the company, which obtained this judgment. Nowhere in the opurt's file is there a petition or any other documentation related to the cause of action on which the judgment was obtained. The judgment was granted for the plus court costs. When Geo Tech was contacted, no file or records of work existed with fegard to work performed on the property owned by pon information and belief, Goo Tech was retained by a mortgage broker or contractor to perform soil testing on some property owned by Higgs for a house to be constructed. Higgs never received a sony of this report. Furthermore, it terstanding that the cost would be less than When Geo Tech was consulted. Geo Tech represented that the judgment also included fees for collection. however, upon information and belief no attorney was used to obtain the judgment. Pursuant to a Writ of Execution, participated the judgment on obseque March 29, 1999.

The damage caused by Defendants will cost Plaintiff substantial sums to remedy and will continue to do so in the future. Therefore, Plaintiff also sues for examplety damages.

#### B. Facts

 On Thursday, May 16, 2002, the court dismissed the case for want of projecution, because of plaintiffs failure to appear at the Dismiss For Want of Prosecution Desket

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