

Cause Number 24-03-03962

Leigh Ann Hood

Plaintiff,

versus

Mill Man Steel, Inc.

Defendant

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In the District Court

of Montgomery County, Texas

284th Judicial District

Plaintiff's Original Petition

To the Honorable District Judge:

Leigh Ann Hood, Plaintiff, files this Original Petition to expunge Lis Pendens and complains of Defendant Mill Man Steel, Inc.:

Parties and Venue

1. Plaintiff Leigh Ann Hood is an individual that resides in Montgomery County.
2. Defendant Mill Man Steel, Inc. is a Colorado Corporation who can be served through its registered agent Neil Yoder at 5580 Sapp Road, Conroe, Texas 77304.
3. Plaintiff intends to conduct discovery under Level 1 of Rule 190. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs seek monetary relief over \$250,000 but not more than \$1,000,000.00.
4. Venue is proper in Montgomery County, Texas, because (1) Montgomery County is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred, (2) Montgomery County is the county where the Lis Pendens was signed and to be performed, (3) Montgomery County is mandatory as it is where the real property is located.

Facts

5. On June 1, 2023, Defendant, through its attorney Art Aguilar filed a Lis Pendens on Plaintiff's real property located at 18797 E. Cool Breeze Ln., Montgomery, Texas 77356 (the "Property"). The Property is Ms. Hood's homestead property.
6. The purpose of a lis pendens is to protect the filing party's alleged rights to the property that is in dispute in the lawsuit and to put those interested in the property on notice of the lawsuit. *David Powers Homes, Inc. v. M.L. Rendleman Co., Inc.*, 355 S.W.3d 327, 336 (Tex. App. – Houston [1st Dist.] 2011, no pet.).
7. Chapter 12 of the Property Code states that a notice of lis pendens may be filed only in an action involving title to real property, establishment of an interest in real property, or enforcement of an encumbrance against real property. Tex. Prop. Code 12.007(a). These are the sole and exclusive legal basis for filing a lis pendens.
8. A direct real property interest must involve title, ownership or a leasehold pertaining to specific real property. *Sommers v. Sandcastle Homes, Inc.*, 521 S.W.3d 749 (Tex. 2017). The claim must be intrinsic to the land itself and not merely a damage claim arising from a contract or judgment. *Id.* A plaintiff's request to title of property only to satisfy a money judgment is not a sufficient direct interest in real property. *Id.*
9. There is no title dispute between the parties for the Property. The Property was purchased on May 2, 2019, by Plaintiff and her ex-husband Josuah Quebedeaux. After a divorce the Property title and deeds were redone to place the Property in

the sole name of Plaintiff, relinquish the previous lien and place a new lien on the Property.

10. Mill Man Steel, Inc. has filed several lawsuits against Plaintiff and her company claiming unjust enrichment, despite the fact that Ms. Hood and her company never performed any work for Mill Man, nor received any payments from Mill Man. There have been seven different lawsuits, two in Montgomery County, two in Harris County, one in Federal Court and two in Bankruptcy Court all revolving around the same set of facts. These lawsuits were simply to harass, embarrass and intimidate Ms. Hood.
11. Ms. Hood cannot refinance her Property or get a home equity loan out on her Property. Mill Man's abusive lawsuits, tortious remarks to customers, clients, contractors of Ms. Hood's business has cause severe financial injury and severe loss of reputation among her piers, despite doing nothing wrong.
12. To make matters worse, Mill Man has done this before with a Harris County Court filing an order to remove and expunge a different fraudulent Lis Pendens.

Motion to Expunge Lis Pendens

13. The Court must expunge the *Lis Pendens* because Mill Man's underlying lawsuit does not make claim related to a direct interest in the Property, MillMan is not a creditor, did not provide materials, is not a taxing authrotity and does not have any claims of title or ownership to the Property whatsoever. The *Lis Pendens* was filed with the sole purpose of harassment.
14. Upon application, the Court must expunge the notice of *Lis Pendens* if the Court

determines that:

- a. The pleading upon which the notice is based does not contain a real property claims;
- b. The claimant fails to establish by a preponderance of the evidence the probable validity of the real property claim; or
- c. the person who filed the notice of *lis pendens* failed to serve notice on each party with an interest in the property within three days of filing the notice.

15. The Court's determination that any single factor described above is applicable in this case would mandate expungement of the Lis Pendens.

16. The Court should award Plaintiff actual damages, exemplary damages and attorney's fees pursuant to Rule 12 of the Texas Civil Practice and Remedies Code.

17 A party who makes, presents or uses a documents with knowledge that the document or record is a fraudulent lien or claim against real property or an interest in real property with the intent that the document or record be given the same legal effect as a document or record evidencing a valid lien or claim against real property or an interest in real property; and intent to cause another person to suffer financial injury or emotional distress is liable fo the great of \$10,000 or actual damages caused by the violations, court costs, reasonable attorney's fees and exemplary damages in an amount determined by the court. Tex. Civ. Prac. & Rem. § 12.002(a)(b).

Prayer

Plaintiff prays the Court award Plaintiff, and against Defendant the following:

1. Actual damages far in excess of this Court's minimum jurisdictional amount;
2. Exemplary damages far in excess of this Court's minimum jurisdictional amount;
3. Attorney fees for trial and preparation, for an appeal to the Court of Appeals, and for an appeal to the Supreme Court of Texas in amounts far in excess of this Court's minimum jurisdictional amount;
4. Prejudgment and postjudgment interest at the maximum lawful rate;
5. Costs of Court; and
6. Such other and further relief to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

/s/ Travis Owens

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