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CLERK OF DISTRICT COURT
HARRIS COUNTY, TEXAS
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DEPUTY

NO. 2002-03231

MARY F. ROBERTSON,
MARY KATHRYN ELLIOT, and
DENNIS R. ELLIOT,
Plaintiffs.

vs.

JEFF BARNETT a/k/a
JEFFREY BURNETT d/b/a
J.B. CONTRACTORS,
Defendant.

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

113RD JUDICIAL DISTRICT

DEFAULT JUDGMENT

CAME ON FOR CONSIDERATION on this the 19th day of Dec, 2002,

Plaintiffs's Motion for Entry of Default Judgment. This Court, after reviewing the pleadings, affidavits, arguments of counsel, reviewing the file, and finding that Defendant, Jeff Barnett a/k/a Jeffrey Burnett d/b/a J.B. Contractors was duly served with Citation and a copy of Plaintiffs' Original Pctition, and that no answer was subsequently filed by Defendant, and that the Return of Citation has been on file for the required time, is of the opinion that the Motion should be GRANTED.

The Court has read the pleadings and the papers on file, heard the testimony of Plaintiffs, and is of the opinion that the allegations in Plaintiffs' petition have been admitted and that the cause of action is now liquidated.

IT IS THEREFORE ORDERED AND DECREED that a Default Judgment is hereby rendered in favor of Plaintiffs, Mary F. Robertson, Mary Kathryn Elliot, and Dennis R. Elliot and against Defendant, Jeff Barnett a/k/a Jeffrey Burnett d/b/a J.B. Contractors. IT IS FURTHER ORDERED AND DECREED that Plaintiffs, Mary F. Robertson, Mary Kathryn Elliot, and Dennis R. Elliot recover damages from Defendant, Jeff Barnett a/k/a Jeffrey Burnett d/b/a J.B. Contractors in the sum of \$55,000.00 for Plaintiffs' actual damages; prejudgment interest on that

sum at the annual rate of 10%, in the sum of \$4,957.53 calculated from the date this suit was filed; post-judgment interest on the total sum at the annual rate of 10% until the judgment is satisfied; and court costs of \$150.00 and services fees of \$58.00 in Harris County, \$55.00 in Galveston County, and \$75.00 for a private process server. Plaintiff is allowed such writs and processes as may be necessary in the enforcement and collection of this judgment. All other costs of court are hereby taxed against Defendant, Jeff Barnett a/k/a Jeffrey Burnett d/b/a J.B. Contractors.

In their petition, Plaintiffs requested attorney fees based on Texas Civil Practice & Remedies Code Chapter 38. The Court having examined the file, and taking judicial notice of the usual and customary attorney fees, IT IS FURTHER ORDERED AND DECREED that reasonable and necessary attorney fees expended by Plaintiffs were \$2,775.00. THE COURT THEREFORE ORDERS Defendant to pay Plaintiffs \$2,775.00 for attorney fees and ORDERS that such execution issue in favor of Plaintiff's counsel, Daniel L. Sanders, directly.

FURTHER, the Court took judicial notice of the usual and customary attorney fees for an appeal of this judgment to the state or federal appeals court and determined reasonable and necessary attorney fees to be \$5,000.00 in such an event. FURTHER, the Court took judicial notice of the usual and customary attorney fees should writ be granted to the Texas Supreme Court and determined reasonable and necessary attorney fees to be \$5,000.00 in such an event. THE COURT ORDERS such execution issue in favor of Plaintiffs' counsel, Daniel L. Sanders, directly.

Any further relief not expressly granted herein is DENIED.

Signed and ^{PHL}entered this 19th day of Dec., 2002.


JUDGE PRESIDING