

IV. COUNTERCLAIM

Defendant files this counterclaim against Plaintiff appealing the order of the Travis Appraisal Review Board (hereinafter “ARB”) for the property identified in Plaintiff’s Original Petition and any subsequent pleadings. Defendant makes this affirmative claim for relief pursuant to Texas Rules of Civil Procedure 47 and 97. Defendant claims that the market or appraised value of Plaintiff’s property is greater than the value determined by the ARB and greater than the value reflected on the appraisal roll for the tax year(s) in dispute. The result of the ARB’s determination is an appraisal of the subject property below the correct appraised value required by Texas Tax Code §42.25. Defendant requests the Court order the correct market or appraised value of the subject property to be reflected on the appraisal roll for the tax year(s) at issue.

The relief sought is within the jurisdictional limits of the Court.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Travis Central Appraisal District prays that the Plaintiff take nothing by this lawsuit, that the Defendant has judgment herein, that Defendant be discharged from all liability and costs, and for such other and further relief, both general and special, at law and in equity, to which Defendant may be justly entitled.

DEFENDANT'S INITIAL DISCLOSURES

REQUIRED DISCLOSURE NO. 1 (TRCP 194.2 (b)(1)):

The correct names of the parties to the lawsuit.

RESPONSE:

Travis Central Appraisal District is the correct name of the Defendant.

Plaintiff has represented to Defendant the named Plaintiff(s) is correct.

REQUIRED DISCLOSURE NO. 2 (TRCP 194.2 (b)(2)):

The name, address, and telephone number of any potential parties.

RESPONSE:

None known at this time.

REQUIRED DISCLOSURE NO. 3 (TRCP 194.2 (b)(3)):

The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

Section 23.01, Texas Tax Code, provides that all property must be appraised on January 1 of each year at its market value, as defined by Section 1.04, according to generally accepted appraisal techniques and considering the individual characteristics of the property. The law also requires equality and uniformity of appraisal. The Appraisal District appraised the subject property according to these legal requirements and believes that the value of the property for which a willing buyer would have purchased the property from a willing seller for each year included in the lawsuit is at least the amount reflected on the appraisal roll. The Appraisal District also appraised the subject property equally with comparable properties, according to the requirements of law. The Defendant also pleads the limitation on attorneys' fees contained Texas Tax Code Section 42.29.

REQUIRED DISCLOSURE NO. 4 (TRCP 194.2 (b)(4)):

A computation of each category of damages claimed by the responding party- who must also make available for inspection and copying the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

Defendant is not making a claim for damages.

REQUIRED DISCLOSURE NO. 5 (TRCP 194.2 (b)(5)):

The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

All persons identified by Plaintiff, or otherwise identified or discerned herein from hearings, filings, correspondence, pleadings, transcripts, documents produced in response to discovery, or responses/answers to discovery.

Also, the following:

1. Jason D. Ruley, RPA
Travis Central Appraisal District
850 E. Anderson Lane
Austin, Texas 78752
Telephone: (512) 834-9317
Commercial Manager of Travis Central Appraisal District

He has knowledge of generally accepted real estate appraisal techniques, the mass appraisal process, the market conditions affecting the subject's value, the value of the subject property indicated by mass appraisal and the values of properties which are comparable to the subject. He may also have knowledge of the property characteristics and Travis Central Appraisal District records, methodology and procedures; Travis Central Appraisal District Representative.

2. Russell Ledbetter, RPA
Travis Central Appraisal District
850 E. Anderson Lane
Austin, Texas 78752
Telephone: (512) 834-9317
Director of Residential Appraisal of Travis Central Appraisal District

He has knowledge of generally accepted real estate appraisal techniques, the mass appraisal process, the market conditions affecting the subject's value, the value of the subject property indicated by mass appraisal and the values of properties which are comparable to the subject. He may also have knowledge of the property characteristics and Travis Central Appraisal District records, methodology and procedures; Travis Central Appraisal District Representative.

3. Travis Central Appraisal District Employee(s)
850 E. Anderson Lane
Austin, Texas 78752

Telephone: (512) 834-9317

Travis Central Appraisal District Employee(s) that participated in the mass appraisal valuation process for the tax year(s) in issue. This individual may also have knowledge of generally accepted real estate appraisal techniques, the mass appraisal process, the market conditions affecting the subject's value, and the values of properties used during the administrative process.

REQUIRED DISCLOSURE NO. 6 (TRCP 194.2 (b)(6)):

A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

Defendant will make the following documents available for inspection and copying at Defendant's offices at a mutually agreeable date and time:

- 1) ARB Record for the subject property for Tax Year(s) at issue;
- 2) Travis Central Appraisal District property appraisal card for the subject property for Tax Year(s) at issue;
- 3) Tax year(s) at issue Commercial Evidence, as applicable;
- 4) Tax year(s) at issue Residential Evidence, as applicable;
- 5) Tax year(s) at issue Notice(s) of Appraised Value for the subject property;
- 6) Tax year(s) at issue Income Calculation Worksheet for the subject property, as applicable; and,
- 7) Delivery Verification of ARB Order.

The above information is already in Plaintiff's possession or equally available to Plaintiff as Defendant. Further, Defendant will rely on its expert witnesses at the time of trial. Expert information will be timely provided.

REQUIRED DISCLOSURE NO. 7 (TRCP 194.2 (b)(7)):

Any indemnity and insuring agreements described in Rule 192.3(f).

RESPONSE:

Not applicable.

REQUIRED DISCLOSURE NO. 8 (TRCP 194.2 (b)(8)):

Any settlement agreements described in Rule 192.3(g).

RESPONSE:

Not applicable.

REQUIRED DISCLOSURE NO. 9 (TRCP 194.2 (b)(9)):

Any witness statements described in Rule 192.3(h).

RESPONSE:

All statements identified by Plaintiff, or otherwise identified or discerned herein from hearings, filings, correspondence, pleadings, transcripts, documents produced in response to discovery, and/or responses/answers to discovery.

REQUIRED DISCLOSURE NO. 10 (TRCP 194.2 (b)(10)):

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

Not applicable.

REQUIRED DISCLOSURE NO. 11 (TRCP 194.2 (b)(11)):

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE:

Not applicable.

REQUIRED DISCLOSURE NO. 12 (TRCP 194.2 (b)(12)):

The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE:

Not applicable.

Respectfully submitted,

Travis Central Appraisal District
In House Counsel
850 East Anderson Lane
Austin, Texas 78752
Telephone: 512-834-9317



DUSTIN L. BANKS
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***ATTORNEY FOR DEFENDANT
TRAVIS CENTRAL APPRAISAL DISTRICT***

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Defendant's Original Answer with the Clerk of the Court using the state e-filing system and File Time e-filing, and served in accordance with the Texas Rules of Civil Procedure upon the counsel of record on October 5, 2022:

**VIA ELECTRONIC SERVICE
(VIA USPS IF EMAIL IS NOT PROVIDED)**

CAROLYN CHINN MALY
GEARY, PORTER & DONOVAN, PC
ONE BENT TREE TOWER 16475 DALLAS PKWY, STE 400 ADDISON, TX 75001
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ATTORNEYS FOR PLAINTIFF(S)

Signed this 5th day of October 2022.



Dustin L. Banks

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.

TCAD LITIGATION on behalf of Dustin Banks

Bar No. 24064344

litigation@tcadcentral.org

Envelope ID: 68926495

Status as of 10/10/2022 2:33 PM CST

Associated Case Party: SHR FS AUSTIN, LLC

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|-------------------|----------------------|--------|
| Carolyn C.Maly | | cmaly@gpd.com | 10/5/2022 1:18:53 PM | SENT |
| Lauren Williams | | lwilliams@gpd.com | 10/5/2022 1:18:53 PM | SENT |

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Status as of 10/10/2022 2:33 PM CST

Associated Case Party: TRAVIS CENTRAL APPRAISAL DISTRICT

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|----------------------------|----------------------|--------|
| TCAD LITIGATION | | litigation@tcadcentral.org | 10/5/2022 1:18:53 PM | SENT |