

CAUSE NO. D-1-GN-22-004722

SHR FS AUSTIN, LLC (Four Seasons),	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
V.	§	TRAVIS COUNTY, TEXAS
	§	
TRAVIS CENTRAL APPRAISAL DISTRICT,	§	
	§	
Defendant.	§	459 TH JUDICIAL DISTRICT

**PLAINTIFF’S ANSWER, PLEA TO THE JURISDICTION, AND AFFIRMATIVE
DEFENSE TO DEFENDANT’S COUNTERCLAIM**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW SHR FS AUSTIN, LLC (Four Seasons) (“Plaintiff”), Plaintiff in the above-entitled and numbered cause now acting as a Counter-Defendant, and files this answer to Defendant Travis Central Appraisal District’s (“Appraisal District”) Original Answer and Counterclaim. The Plaintiff would respectfully show the Court the following:

I.

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Plaintiff denies each and every, all and singular, of the material allegations contained in Defendant’s Answer and Counterclaim and any amendment or supplement thereto, and demands strict proof thereof by a preponderance of the admissible evidence.

II.

PLEA TO THE JURISDICTION

Plaintiff would show that in accordance with Rule 54 of the Texas Rules of Civil Procedure

Defendant has not satisfied all conditions precedent to file its counterclaim in this lawsuit and therefore the Court lacks jurisdiction to hear the Defendant's claim in this matter. Specifically, Defendant has failed to comply with Texas Property Tax Code § 42.02(a) which requires that the Defendant obtain written approval of its Board of Directors for Defendant before appealing an order of the Appraisal Review Board. Therefore, this lawsuit should be dismissed for lack of jurisdiction due to Plaintiff's failure to comply with the statutory prerequisites for the filing of such lawsuit.

III.

AFFIRMATIVE DEFENSE

Defendant failed to file its counterclaim with the Court within 60 days after Defendant received notice that a final order had been entered by the Appraisal Review Board concerning the Property at issue in this matter.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant's counterclaim in this matter be dismissed for want of jurisdiction, or in the alternative that Defendant take nothing by its counterclaim and that Plaintiff have judgment for costs and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

/s/ Carolyn Chinn Maly
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading was served upon the attorney of record for Plaintiff in accordance with the Texas Rules of Civil Procedure on this 6th day of November, 2022.

Dustin L. Banks
Travis Central Appraisal District
850 East Anderson Lane
Austin, Texas 78752

/s/ Carolyn Chinn Maly
CAROLYN CHINN MALY

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Status as of 11/8/2022 3:34 PM CST

Associated Case Party: SHR FS AUSTIN, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Carolyn C.Maly		cmaly@gpd.com	11/6/2022 6:21:09 PM	SENT
Lauren Williams		lwilliams@gpd.com	11/6/2022 6:21:09 PM	SENT

Associated Case Party: TRAVIS CENTRAL APPRAISAL DISTRICT

Name	BarNumber	Email	TimestampSubmitted	Status
TCAD LITIGATION		litigation@tcadcentral.org	11/6/2022 6:21:09 PM	SENT