

NO. 2017CI21283

AMERICAN EXPRESS BANK, FSB,	§	IN THE DISTRICT COURT
Plaintiff	§	
v.	§	<u>225</u> JUDICIAL DISTRICT
	§	
ROBERT MARKUM JR ,	§	OF BEXAR COUNTY, TEXAS
	§	
Defendant(s)	§	

**PLAINTIFF’S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

AMERICAN EXPRESS BANK, FSB, (“Plaintiff”), complains of ROBERT MARKUM JR , (“Defendant(s)”), and for its cause of action would respectfully show the Court as follows:

1. Discovery is intended to be conducted under Level 2 of Rule 190.3, of the Texas Rules of Civil Procedure.
2. Plaintiff is a federal savings bank organized under the laws of the United States of America, with a principal place of business in Salt Lake City, Utah. Plaintiff may be contacted through the undersigned attorney.

3. Defendant(s) is/are a resident(s) of BEXAR County, Texas, and may be served with process at 23508 WILDERNESS PAW, SAN ANTONIO, TX 78261. Venue is proper in this Court because Defendant(s) resides/reside in this county at the time of the filing of this suit.

**BREACH OF WRITTEN CONTRACT**

4. Defendant(s) obtained a credit account from Plaintiff. The credit account is identified as ending in account number 009.
5. Plaintiff and Defendant(s) entered into a credit account agreement (“the Agreement”). Under the terms of the Agreement, Plaintiff rendered credit services to Defendant(s).. Defendant(s) accepted the credit services and under the Agreement became bound to pay Plaintiff the amounts of such credit services, plus additional amounts due under the Agreement.
6. Defendant(s) has/have failed to repay all of the credit services rendered under the Agreement. The current balance due, owing and unpaid under the Agreement, after allowing all just and lawful payments, credits and offsets, is \$111,991.86. The terms of the Agreement control the accrual of additional charges, interest, and other amounts. Plaintiff has made demand upon Defendant(s) for payment of the balance due under the Agreement, but Defendant(s) has/have failed to pay the balance.
7. All conditions precedent to Plaintiff’s right to bring suit on its claims have been performed or have occurred.

WHEREFORE, premises considered, the Plaintiff, AMERICAN EXPRESS BANK, FSB, requests that Defendant(s), ROBERT MARKUM JR , be cited to appear and answer and that, upon final hearing, Plaintiff have judgment against Defendant(s) for the following:

1. \$111,991.86 as the balance due, owing, and unpaid under the Agreements;
2. All costs of this proceeding;
3. Such other and further relief to which Plaintiff may show itself justly entitled.

Respectfully submitted,

**ZWICKER & ASSOCIATES, P.C.**

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BY: 

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# CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

**STYLED AMERICAN EXPRESS BANK, FSB v. ROBERT MARKUM JR**  
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>		<b>Names of parties in case:</b>		<b>Person or entity completing sheet is:</b>		
Name: <input type="checkbox"/> ELISE D. MANCHESTER <input type="checkbox"/> ERIN M. MITCHELL <input type="checkbox"/> MILDRED ANAELE <input checked="" type="checkbox"/> AMBREEN A. DHARANI Address: OLD TOWN SQUARE, 1 CHISHOLM TRAIL, SUITE 301 City/State/Zip: ROUND ROCK, TX 78681 Signature:		Email: ZATXATTORNEYS@ZWICKER PC.COM Telephone: (512)218-0488 Fax: (512)218-0477 State Bar No: <input type="checkbox"/> 24070566 <input type="checkbox"/> 24093513 <input type="checkbox"/> 24100119 <input checked="" type="checkbox"/> 24092343		Plaintiff(s)/Petitioner(s): AMERICAN EXPRESS BANK, FSB Defendant(s)/Respondent(s): ROBERT MARKUM JR [Attach additional page as necessary to list all parties]		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____
Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____						
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>						
<b>Civil</b>			<b>Family Law</b>			
<b>Contract</b>	<b>Injury or Damage</b>	<b>Real Property</b>	<b>Marriage Relationship</b>	<b>Post-judgment Actions (non-Title IV-D)</b>		
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input checked="" type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order		
<b>Employment</b>	<b>Other Civil</b>		<b>Other Family Law</b>			
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				<b>Parent-Child Relationship</b>
<b>Tax</b>	<b>Probate &amp; Mental Health</b>			<b>Parent-Child Relationship</b>		
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings					<input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>						
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		
<b>4. Indicate damages sought (do not select if it is a family law case):</b>						
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000						