

CAUSE NO. 2018-42734

**ABG General Construction,  
Plaintiff,**

v.

**3S Real Estate Investments,  
LLC – Series 3  
Defendant.**

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**IN THE DISTRICT COURT  
  
OF HARRIS COUNTY, TEXAS  
  
269th JUDICIAL DISTRICT**

AGREED ORDER ON DEFENDANT’S SPECIAL EXCEPTIONS

After considering Defendant 3S Real Estate Investments, LLC – Series 3’s special exceptions to Plaintiff’s Original Petition, the response, the pleadings, and arguments of counsel, the Court makes the following rulings on exceptions and Defendant agrees to withdraw the exceptions as so indicated below:

1. Defendant specially excepts to paragraph 7 because Plaintiff’s pleading does not give fair notice of Plaintiff’s claim.

SUSTAINED

✓  
OVERRULED

WITHDRAWN

2. Defendant specially excepts to paragraph 18 because Plaintiff’s pleading does not give fair notice of Plaintiff’s claim.

SUSTAINED

OVERRULED

✓  
WITHDRAWN

3. Defendant specially excepts to paragraph 22 because Plaintiff’s pleading does not give fair notice of Plaintiff’s claim.

SUSTAINED

OVERRULED

✓  
WITHDRAWN

4. Defendant specially excepts to paragraph 26 because Plaintiff did not plead all elements of its cause of action.

✓  
SUSTAINED

OVERRULED

WITHDRAWN

5. Defendant specially excepts to Plaintiff’s pleading because Plaintiff did not verify it.

SUSTAINED

OVERRULED

✓  
WITHDRAWN

6. Defendant specially excepts to paragraph 22 because Plaintiff's suit is precluded by law.

SUSTAINED

OVERRULED

✓  
WITHDRAWN

7. Defendant specially excepts to paragraph 13 because the pleading incorporates by reference the "Lien Affidavits," which is prohibited by Texas Rule of Civil Procedure 59.

SUSTAINED

OVERRULED

✓  
WITHDRAWN

The Court orders Plaintiff to replead and cure the defects identified by the special exceptions that were sustained. If Plaintiff does not replead and cure the defects by October 1, 2018, the Court will strike each defective paragraph.

SIGNED on \_\_\_\_\_, 20\_\_.

Signed: Dan Hinde  
9/24/2018  
PRESIDING JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

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