

CAUSE NO. 2017-35871

3S Real Estate Investments, LLC, § **IN THE DISTRICT COURT**
Plaintiff, §
§
v. § **OF HARRIS COUNTY, TEXAS**
§
Richard Hernandez a/k/a Rick Hernandez, §
Defendant. § **165th JUDICIAL DISTRICT**

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE OF PROCESS

Plaintiff, 3S Real Estate Investments, LLC, asks the Court to authorize substitute service on defendant, Richard Hernandez.

INTRODUCTION

1. Plaintiff, 3S Real Estate Investments, LLC, sued defendant, Richard Hernandez, for conversion and breach of contract.

2. This suit arises from Plaintiff remitting a prepayment to defendant for the installation of insulation at a residential construction site and the defendant failing to perform the agreed upon services.

BACKGROUND

3. Defendant's usual place of business is 2624A Yale Street, Houston, Texas 77008.

4. Plaintiff attempted to serve defendant on five occasions by personal delivery but has not been successful despite plaintiff's due diligence. On June 14th, 15th, 19th, 20th, and 27th, Jeffrey McDaniel attempted to personally serve defendant at his usual place of business, but each time was unable to locate the defendant. *See Ex. A*, Affidavit of Due Diligence. On three of these attempts, Mr. McDaniel was greeted by defendant's daughter, an employee of defendant's business. *Id.*

ARGUMENT & AUTHORITIES

5. Because plaintiff has not been able to serve defendant, plaintiff asks the Court to authorize plaintiff to serve defendant by leaving a true copy of the citation and the attached petition with anyone older than sixteen years of age at 2624A Yale Street, Houston, Texas 77007. Tex. R. Civ. P. 106(b)(1).

CONCLUSION

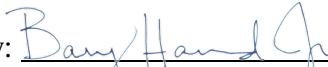
6. Defendant has previously received notice of plaintiff's claims by certified mail. *See* Plaintiff's Original Petition. Further to that, defendant's office staff has allowed defendant to avoid being served, which has unnecessarily delayed the prosecution of plaintiff's claims.

Authorizing plaintiff's request for substitute service on defendant will not unduly burden defendant and will allow the Court to properly and efficiently adjudicate plaintiff's claims.

PRAYER

7. For these reasons, plaintiff asks the Court to authorize substitute service on defendant.

Respectfully submitted,

By:  _____

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