

Cause No.

STATE OF TEXAS and	§	IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS	§	
<i>Plaintiffs,</i>	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
MARIO CAVAZOS a.k.a. Angel M.	§	
Cavazos or Mario Angel Cavazos,	§	
AMELIA MARTINEZ a.k.a. Amelia Diaz	§	
M. or Amelia Cavazos, and	§	
MARIA DEL ROSARIO	§	
GONZALEZ-GARCIA,	§	
<i>Defendants.</i>	§	

**PLAINTIFFS' ORIGINAL PETITION AND
APPLICATION FOR PERMANENT INJUNCTION**

Plaintiffs the State of Texas and Harris County, Texas, acting by and through the Harris County Attorney, Abbie Kamin, bring this action against Defendants Mario Cavazos, Amelia Martinez, and Maria Del Rosario Gonzalez-Garcia, (collectively, "Defendants"), for violating the Deceptive Trade Practices – Consumer Protection Act, Texas Business and Commerce Code chapter 17, subchapter E (the "DTPA"); Texas Business and Commerce Code chapter 27, Fraud in Real Estate Transactions; and Texas Civil Practice and Remedies Code chapter 12.

1. On several occasions, Defendant Mario Cavazos has forged deeds purporting to transfer title to real property from the legal owners to himself. Defendant Mario Cavazos has also received property title which another individual, namely Defendant Maria Del Rosario Gonzalez-Garcia, had obtained through deed forgery. On at least two occasions, Defendant Mario Cavazos sold property he falsely claimed to own to other individuals, including Tulio Orozco, Nelson Alexander Amaya Hernandez, and Cecilia Samai Rodriguez Zelaya. This pattern of behavior is not new for Defendant Mario Cavazos. He has previously forged deeds and claimed ownership of

real property. Defendant Mario Cavazos's fraudulent conduct has forced the victims to resolve the fraud through suits to quiet title or other legal action.^{1, 2, 3}

2. In multiple instances, Defendant Amelia Martinez has participated in deed fraud with Defendant Mario Cavazos, who is believed to be her ex-husband. She has assisted him by presenting to the Clerk's office multiple forged deeds purporting to transfer to him title to properties. Through the filing of a forged deed, Defendant Amelia Martinez has falsely claimed co-ownership with Defendant Mario Cavazos of at least one property. In addition, Defendant Amelia Martinez has presented to the Clerk's office a fraudulent deed purporting to transfer title from Defendant Mario Cavazos to a buyer unaware of Defendant Mario Cavazos's lack of ownership interest. This pattern of behavior is not new for Defendant Amelia Martinez. She has previously forged deeds and claimed ownership of several properties, forcing victims to resolve fraud through legal action.⁴ On one occasion, Defendant Amelia Martinez has faced prosecution

¹ The heirs of the legal owner of a property filed suit against Mario Cavazos, who falsely claimed to own the property. The court ordered the forged deed purporting to grant title to an "M. Francisca Tello Arvizu" and the deed purporting to transfer title to Mario Cavazos both be stricken from the records. *Estate of Oliver v. Cavazos*, Cause No. 201641618B (127th Dist. Ct. of Harris County, Tex. March 23, 2017).

² In a guardianship case in a probate court, the Harris County guardianship program filed a motion to declare invalid a deed purporting to transfer title to a property to Mario Cavazos and Amelia Martinez. The motion was dismissed after Mario Cavazos and Amelia Martinez deeded the property back to the legal owner, who had been incapacitated. *In re Guardianship of Tucker*, No. 416912, Motion for Declaratory Judgment to Declare Deed Invalid (Statutory Probate Ct. No. 3, Harris County, Tex. Jan. 9, 2017).

³ In a suit filed against Antia Martinez, Mario Cavazos, and Amelia Martinez, the court ordered that title to a property be quieted in its legal owner Anita Moore. *Moore v. Martinez*, Cause No. 201721456 (234th Dist. Ct. of Harris County, Tex. June 13, 2019). In the final judgement, the deed purporting to grant title Antia Martinez, as well as the one intended to grant title from Antia Martinez to Mario Cavazos and Amelia Martinez, were declared to have no force and effect; the court ordered that those documents be stricken from the records and that Anita Moore have immediate possession of the property.

⁴ See *Moore v. Martinez*, discussed in footnote 3 of this Petition as well as *In re Guardianship of Tucker*, discussed in footnote 2.

for defrauding an elder through the filing of a forged deed falsely claiming ownership of a property.⁵

3. Defendant Maria Del Rosario Gonzalez-Garcia has participated in deed fraud with Defendant Mario Cavazos. After forging a warranty deed purporting to transfer title to a property from the deceased legal owner to herself, she executed a general warranty deed purporting to convey title from herself to Defendant Mario Cavazos.

4. Defendants have engaged in a scheme in which they falsely claim ownership of real property by executing and recording forged and/or fraudulent real property records with the Harris County Clerk's Office. In addition, Defendant Mario Cavazos, aided by Defendant Amelia Martinez, has made false and deceptive representations to convince prospective buyers to pay him for properties in which he had no ownership interest.

5. Defendants' conduct—stealing properties for financial gain by forging real property instruments—has no place in Harris County. Harris County, on behalf of the public, files this Original Petition and Application for Permanent Injunction, and complains that the Defendants (1) engaged in unlawful conduct in violation of the DTPA, (2) committed statutory fraud in real estate transactions in violation of Business and Commerce Code chapter 27, and (3) made, presented, and used false documents to be recorded as real property records in violation of Civil Practice and Remedies Code chapter 12.

6. Plaintiffs ask the Court to enjoin Defendants from engaging in further illegal conduct and award civil penalties, damages, and/or restoration of property or money to the victims

⁵ In a criminal case, Amelia Martinez pled guilty to forging a document to defraud an elder. *State v. Martinez Diaz*, Cause No. 165726301010 (248th Dist. Ct. of Harris County, Tex. July 16, 2021). The court deferred adjudication, and the case was disposed after Amelia Martinez completed her community service requirement.

of Defendants' wrongful conduct, and any further relief authorized by law.

I.
DISCOVERY CONTROL PLAN

7. Plaintiffs intend to conduct discovery under Level 2 in accordance with Texas Rule of Civil Procedure 190.3. This case is not subject to the restrictions of expedited discovery under Texas Rule of Civil Procedure 169 because the relief sought includes non-monetary injunctive relief.

II.
CLAIM OF RELIEF

8. Plaintiffs seek non-monetary relief and civil penalties, damages to the victims, and/or the restoration of money and property acquired by means of unlawful acts or practices to victims, in a total amount that exceeds \$1,000,000.00. *See* Tex. R. Civ. P. 47(c)(4).

III.
PARTIES

9. Plaintiffs are the State of Texas and Harris County, Texas, acting by and through the Harris County Attorney, Abbie Kamin, under the authority of the laws of the State of Texas.

10. Defendant Mario Cavazos is an individual who may be served with process at 5502 Fellowship Pine Circle, Spring, Texas 77379, or wherever he may be found.

11. Defendant Amelia Martinez is an individual who may be served with process at 2603 Woodwild Drive, Houston, Texas 77038, or wherever she may be found.

12. Defendant Maria Del Rosario Gonzalez-Garcia is an individual who may served with process at 3031 Sagebrush Drive, Houston, Texas, 77093, or wherever she may be found.

IV.
JURISDICTION AND AUTHORITY

13. The relief sought is within the Court's subject matter jurisdiction under Article V,

Section 8 of the Texas Constitution and Texas Government Code sections 24.007, 24.008, and 24.011.

14. Plaintiffs, acting by and through the Harris County Attorney, Abbie Kamin, are authorized to bring this action under: (1) DTPA sections 17.47 and 17.48, which protect consumers against false, misleading, and deceptive trade practices; (2) Texas Business and Commerce Code section 27.015, which protects persons from fraudulent real estate transactions; and (3) Texas Civil Practice and Remedies Code chapter 12, which prohibits the making, presenting, or use of fraudulent records.

V. **VENUE**

15. Venue is proper in Harris County pursuant to Texas Business and Commerce Code subsection 17.47(b) in that (1) Defendants have done business in Harris County, (2) transaction(s) made the basis of this suit occurred in Harris County, and (3) Defendants reside in Harris County. Venue is also proper in Harris County pursuant to Civil Practice and Remedies Code section 12.004 in that the applicable documents were recorded in Harris County and the real properties at issue are located in Harris County.

VI. **PURPOSE OF SUIT**

16. The purpose of this suit is to obtain a permanent injunction; obtain an order that Defendants pay money damages, penalties, and/or exemplary damages to injured persons; and obtain any other further relief authorized by law resulting from Defendants' unlawful conduct as alleged in this Petition.

17. Plaintiffs have reason to believe Defendants have engaged in, and will continue to engage in, the unlawful acts or practices set forth in this Petition, and that Defendants adversely

affected the lawful conduct of trade and commerce, thereby directly and indirectly affecting the people of Harris County and the State of Texas. Therefore, these proceedings are in the public interest.

VII.
TRADE AND COMMERCE

18. At all times described herein, Defendants have engaged in conduct that constitutes “trade” and “commerce,” as those terms are defined in DTPA subsection 17.45(6).

VIII.
ACTS OF AGENTS

19. Whenever in this Petition it is alleged that Defendants did any act, it is meant that the named Defendants performed or participated in the act, or that the officers, agents, or employees of Defendants performed or participated in the act on behalf of and under the authority of Defendants.

IX.
PRESUIT NOTICES

20. Prior to filing this suit, Plaintiffs, acting through the Office of the Harris County Attorney, notified Defendants of the general nature of the violations that are the subject matter of this suit. In addition, prior to filing this suit, the Office of the Harris County Attorney provided notice of the general nature of the violations that are the subject matter of this suit to the Consumer Protection Division of the Office of the Attorney General.

X.
BACKGROUND

21. Defendants Mario Cavazos, Amelia Martinez, and Maria Del Rosario Gonzalez-Garcia have falsely claimed ownership of several Harris County properties by executing and filing forged and/or fraudulent real property records with the Harris County Clerk’s Office to be recorded

in the real property records. Further, Defendant Mario Cavazos has sold properties he falsely claimed to own. Defendant Amelia Martinez has assisted Defendant Mario Cavazos in his scheme. One of the fraudulent instruments filed by Defendant Amelia Martinez on his behalf was a deed purporting to transfer title from Defendant Mario Cavazos to a buyer who believed Defendant Mario Cavazos had legitimate title to the property.

22. Below are examples of properties that have been subject to Defendants' unlawful conduct. Subsection B includes a list of forged and fraudulent documents used by the Defendants.

23. This Petition and Application are supported by the Affidavit of Rafael Pruneda, Senior Investigator, Office of the Harris County Attorney, attached as Exhibit A and incorporated herein by reference.

A. Deed Forgery and Fraudulent Transactions

i. 707 Odessa Court, Houston, Texas 77060 (Mario Cavazos)

24. In 2017, Defendant Mario Cavazos had a forged warranty deed filed in the real property records, purporting to transfer title to a property at 707 Odessa Court, Houston, Texas (the "Odessa Court property") from the deceased legal owner to himself. The deed was notarized by Kenya Ramirez, who has also notarized a forged deed in the Werner Street property.

25. Ezekiel Moore (spelled "Ezequiel Moore" on the deed) was the legal owner of the Odessa Court property. As he died in 2014, he could not have signed the deed dated March 28, 2017, purporting to transfer title to the property from him to Defendant Mario Cavazos. The signature on the deed, purporting to be his, is a forgery.

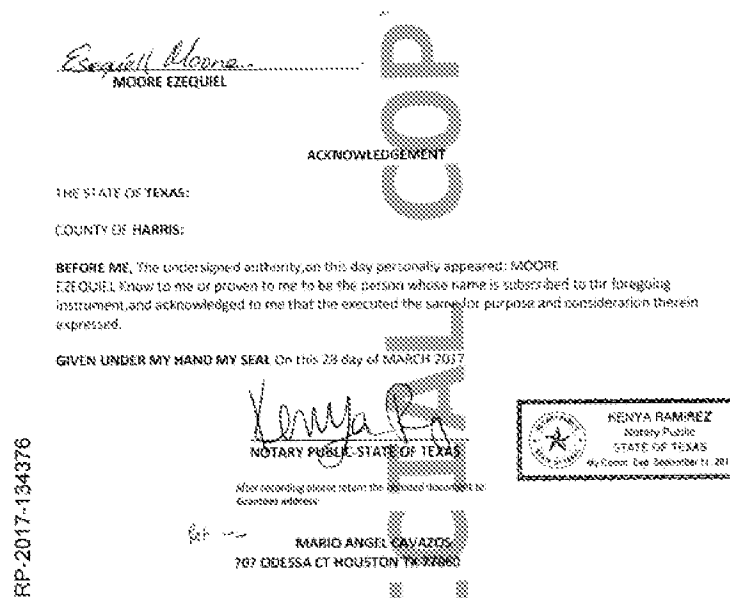


Image: Excerpt of warranty deed purporting to transfer title to the Odessa Court property from Ezekiel Moore (name misspelled in the forged signature) to Defendant Mario Cavazos. The forged signature is dated 2017.

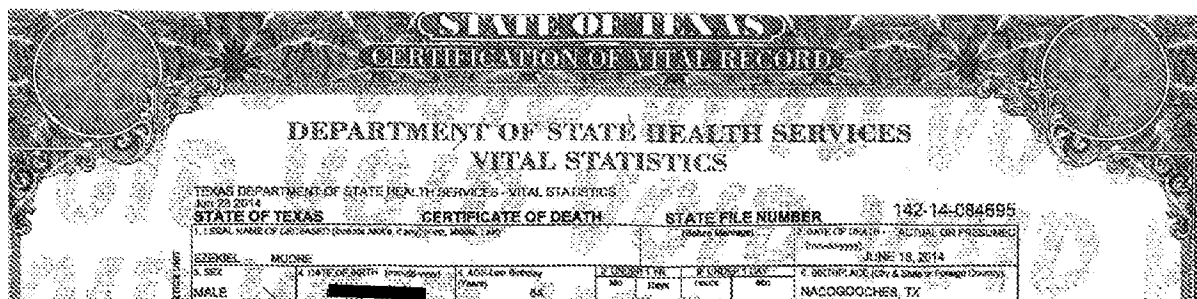


Image: Excerpt of Ezekiel Moore's death certificate, showing his death date to be June 18, 2014. His birthdate has been redacted pursuant to Rule 21(c) of the Texas Rules of Civil Procedure.

26. In 2018, Defendant Mario Cavazos sold the property to Cecilia Samai Rodriguez Zelaya and Nelson Alexander Amaya Hernandez, executing and filing a general warranty deed purporting to transfer to them title to the Odessa Court property.

27. As a result of Defendant Mario Cavazos's fraudulent conduct, the heirs of Ezekiel Moore lack clear title to the property, and Cecilia Samai Rodriguez Zelaya and Nelson Alexander Amaya Hernandez likely have no legitimate ownership interest in the property.

ii. **7122 Werner Street, Houston, Texas 77076 (Mario Cavazos, Amelia Martinez)**

28. Defendant Mario Cavazos forged a deed purporting to transfer title to a property at 7122 Werner Street, Houston, Texas (the “Werner Street property”) from the legal owners Huey Gunnells and Naomi Gunnells to himself. On December 1, 2016, the forged deed was filed in the real property records.

29. As Huey Gunnells, the legal owner of the Werner Street property, had died years before the purported execution of the deed, he could not have signed it. The signature on the deed, purporting to be his, is therefore a forgery. Naomi Gunnells, whose signature does not appear on the deed, was also deceased at the time the deed purports to have been executed.

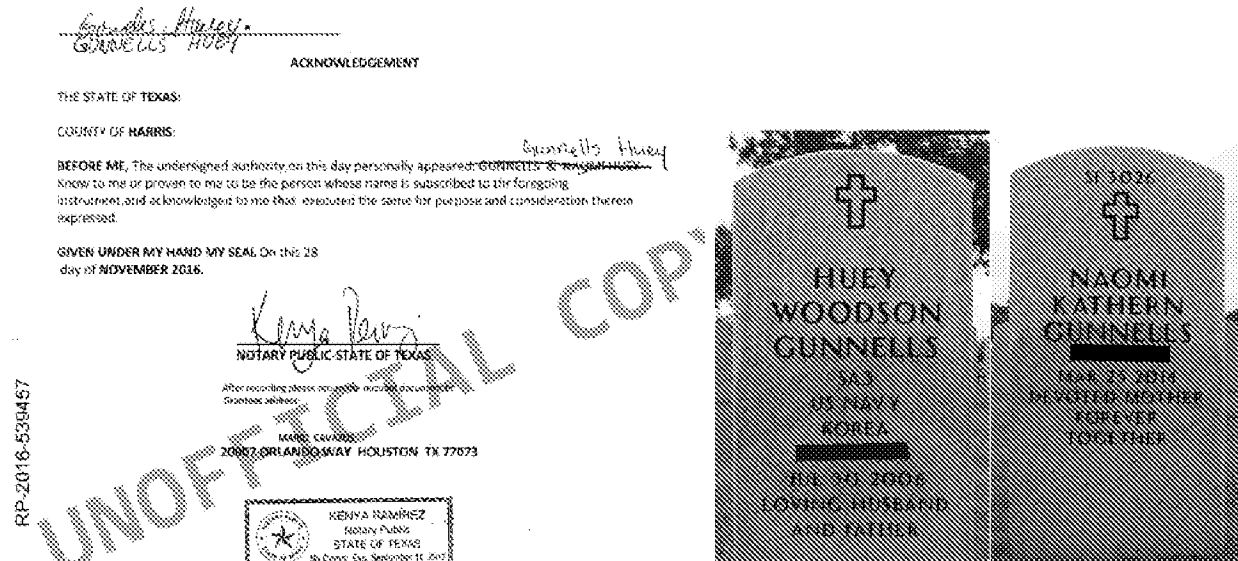


Image (left): Excerpt from warranty deed with Huey Gunnell’s forged signature. Note that the signature reverses Huey Gunnell’s first and last name.

Image (right): Gravestones of Huey Woodson Gunnells and Naomi Kathern Gunnells, who died in 2006 and 2014, respectively. Birthdates have been redacted pursuant to Rule 21(c) of the Texas Rules of Civil Procedure.

30. In 2017, Defendant Mario Cavazos sold the property to an individual named Tulio Orozco. Defendant Mario Cavazos, a long-time customer of Orozco’s electronics repair business, approached Orozco at his store and offered to sell the property to him. Defendant Mario Cavazos

told Orozco that he had bought the property at an auction for between \$25,000 and \$30,000. Orozco, believing that Defendant Mario Cavazos had legitimate title, accepted the offer and paid him \$60,000 in cash for the property.

31. Defendant Amelia Martinez presented the deed purporting to transfer title to Orozco to the clerk's office for filing.⁶

32. Now, because of Defendants Mario Cavazos's and Amelia Martinez's fraudulent behavior, Tulio Orozco likely has no legitimate ownership interest in the property, and the heirs of Huey Gunnells and Naomi Gunnells lack clear title.

iii. 329 Eichwurzel Lane, Houston, Texas 77009 (Amelia Martinez, Mario Cavazos)

33. Defendant Mario Cavazos forged another deed, this time purporting to transfer title to a property at 329 Eichwurzel Lane, Houston, Texas (the "Eichwurzel Lane" property) from the owners Ruby Keller (living) and Eddie Keller (deceased) to himself (referred to on the deed as "Angel M. Cavazos.") On November 17, 2017, Defendant Amelia Martinez presented the deed to be filed in the real property records.

34. Ruby Keller, a senior citizen, is the legal owner of the Eichwurzel Lane property. She discovered the forged deed when she was making plans to sell the property. She never signed the deed purporting to transfer title to Defendant Mario Cavazos; the signature on the deed, purporting to be hers, is a forgery.

35. As Ruby Keller's husband Eddie Keller had died in 1992, he could not have signed the deed, which is dated October 27, 2017. The signature purporting to be his is therefore also a

⁶ The County Clerk's office keeps scans of the IDs of individuals who present instruments to be filed in the real property records. The Clerk's office has kept a scan of Amelia Martinez's ID with the receipt for the filing of the deed.

forgery.

36. Ruby Keller has lost possession of the property. As of a year ago, the property was occupied by unknown occupants, and work had been done on the property. It is believed that the property is in the possession of Mario Cavazos or individuals renting the property from him.

37. Now, because of Defendants Mario Cavazos's and Amelia Martinez's fraudulent behavior, Defendant Mario Cavazos (aka "Angel M. Cavazos") is reflected as the owner of the property despite having no legitimate ownership interest in the property. Ruby Keller now lacks clear title, and she has been deprived of the use and possession of her property.

iv. 3218 Frick Road, Houston, Texas 77086 (Amelia Martinez, Mario Cavazos)

38. In 2015, Defendants Mario Cavazos forged a deed purporting to transfer title to a property at 3218 Frick Road, Houston, Texas (the "Frick Road property") from the deceased legal owner Zack Cates to Defendant Amelia Martinez (referred to on the deed as "Amelia Cavazos") and himself.

39. As reflected in an heirship affidavit (Clerk File #R745373) filed in the real property records in 1994, Zack Wesley Cates, the legal owner of the property, died in 1983. Therefore, Zack Wesley Cates could not have signed the deed, which is dated August 21, 2015; the signature on the deed, purporting to be his, is a forgery.

40. Now, Defendants Mario Cavazos and Amelia Martinez, who have no legitimate ownership interest in the property, are reflected as having title to the property due to their fraudulent conduct, and the heirs of Zack Cates lack clear title.

v. 111 E. John Alber Road, Houston, Texas 77037 (Maria Del Rosario Gonzalez-Garcia, Amelia Martinez, Mario Cavazos)

41. Defendant Mario Cavazos has falsely claimed ownership of a property at 111 E.

John Alber Road, Houston, Texas (the “E. John Alber Road property”). Unlike in other properties listed in this petition, the first forged, fraudulent deed purports to transfer title, not to Defendant Mario Cavazos, but to Defendant Maria Del Rosario Gonzalez-Garcia. Defendant Maria Del Rosario Gonzalez-Garcia later deeded the property to Defendant Mario Cavazos.

42. The deed forged by Defendant Maria Del Rosario Gonzalez-Garcia purports to transfer title from the legal owner Allen J. White to herself. The deed was filed in the clerks records in 2015.

43. Allen J. White, the legitimate owner of the E. John Alber Road property, had died in 2010 and therefore could not have signed the deed dated March 19, 2015 or March 20, 2015. His wife Shirley White, who had also owned the house, had died in 2008.

44. In 2018, Defendant Maria Del Rosario Gonzalez-Garcia, despite having no legitimate ownership interest, transferred the property to Defendant Mario Cavazos, executing a general warranty deed purporting to convey title to him. Defendant Amelia Martinez presented the deed to the Clerk’s office for filing. The Clerk’s office has kept a scan of her ID with the receipt for the filing.

45. The heirs of Allen J. White have lost possession of the property. Around 2015, shortly before discovering that the forged deed purporting to transfer title to Defendant Maria Del Rosario Gonzalez-Garcia had been filed, Allen J. White’s son Warren White and grandson Steven White discovered that the locks of the house had been changed. A male stranger approached them and shouted that they were trespassing and did not own the property.

46. Now, because of the fraudulent behavior of Defendants Maria Del Rosario Gonzalez-Garcia, Mario Cavazos, and Amelia Martinez, Defendant Mario Cavazos is reflected as the legal owner of the property despite having no legitimate ownership interest, and the heirs of

Allen J. White lack clear title. Further, the heirs of Allen J. White have been deprived of the use and possession of the property.

B. Fraudulent and Forged Documents Used by Defendants

47. Below is a list of fraudulent and forged documents used by the defendants.

1. 707 Odessa Court, Houston, Texas

Title: Warranty Deed
Clerk file no.: RP-2017-134376
Filing date: March 30, 2017
Document date: March 28, 2017
Grantor: Ezequiel Moore (misspelling of Ezekiel Moore)
Grantee: Mario Angel Cavazos
Notary: Kenya Ramirez
Presented to the Clerk's office by: Unknown

Title: General Warranty Deed
Clerk file no.: RP-2018-187135
Filing date: May 1, 2018
Document date: May 1, 2018
Grantor: Mario Angel Cavazos
Grantees: Cecilia Samai Rodriguez Zelaya; Nelson Alexander Amaya Hernandez
Notary: Veronica Alba
Presented to the Clerk's office by: Cecilia Samai Rodriguez Zelaya

2. 7122 Werner Street, Houston, Texas

Title: Warranty Deed
Clerk file no.: RP-2016-539457
Filing date: December 1, 2016
Document date: November 28, 2016
Grantor: Huey W. Gunnells; Naomi Gunnells
Grantee: Mario Cavazos
Notary: Kenya Ramirez
Presented to the Clerk's office by: Unknown

Title: General Warranty Deed
Clerk file no.: RP-2017-259696
Filing date: June 12, 2017
Document date: June 9, 2017
Grantor: Mario Cavazos
Grantee: Tulio Marino Orozco

Notary: Veronica Alba
Presented to the Clerk's office by: Amelia Martinez

3. 329 Eichwurzel Lane, Houston Texas

Title: General Warranty Deed
Clerk file no.: RP-2017-507622
Filing date: November 17, 2017
Document date: October 27, 2017
Grantors: Ruby Keller; Eddie Keller
Grantee: Mario Cavazos (referred to on deed as "Angel M. Cavazos")
Notary: Mary Lee Johnson
Presented to the Clerk's office by: Amelia Martinez

4. 3218 Frick Road, Houston, Texas

Title: Warranty Deed
Clerk file no.: 20150380522
Filing date: August 21, 2015
Document date: August 21, 2015
Grantor: Zack Cates (referred to on deed as "Cates Zack")
Grantees: Amelia Martinez (referred to on deed as "Amelia Cavazos"); Mario Cavazos
Notary: Marcial E. Mendez
Presented to the Clerk's office by: Unknown

5. 111 E John Alber Road, Houston, Texas

Title: Warranty Deed
Clerk file no.: 20150114598
Filing date: March 23, 2015
Document date: March 19, 2015 (signature date) or March 20, 2015 (notarization)
Grantor: Allen J White
Grantee: Maria Del Rosario Gonzales-Garcia
Notary: Marcial E. Mendez
Presented to the Clerk's office by: Unknown

Title: General Warranty Deed
Clerk file no.: RP-2018-315912
Filing date: July 13, 2018
Document date: July 10, 2018
Grantor: Maria D. Gonzalez Garcia
Grantee: Mario Angel Cavazos
Notary: Cesar Garza
Presented to the Clerk's office by: Amelia Martinez

XI.
OTHER LAWSUITS INVOLVING DEFENDANTS

A. At least one suit to quiet title has been filed against Amelia Martinez, and Mario Cavazos as co-defendants.

i. 102 Tomlin Road, Houston, Texas 77037

6. In 2015, a forged deed was filed, purporting to transfer title to a property at 102 Tomlin Road, Houston, Texas from the deceased owner “E.S. Moore” to Antia Martinez⁷ (Clerk File #20150238309). Later that year, another deed was filed naming Antia Martinez as Grantor and Amelia Martinez and Mario Cavazos as Grantees (Clerk File #20150530692).

7. Eugene Stanley Moore and his wife Anita Moore were the legal owners of the property. Eugene Stanley was deceased at the time the deed purporting to transfer title to Antia Martinez was executed.

8. Anita Moore filed a suit to quiet title in 2017. *Moore v. Martinez*, No. 201721456 (234th Dist. Ct., Harris County, Tex. June 13, 2019). In 2019, the court ordered that the title be quieted in Anita Moore and that possession of the property be immediately given to her. The documents purporting to transfer title to Antia Martinez, Amelia Martinez, and Mario Cavazos were declared of no force and effect. Further, the court ordered that those documents be stricken from the real property records.

⁷ Harris County and the State of Texas have filed a lawsuit against Antia Martinez and other individuals who are believed to have participated in deed fraud. *State v. Martinez, Cause No. 202655345*, (133rd Dist. Ct. of Harris County, Tex. Aug. 11, 2026). The ongoing lawsuit alleges that the defendants falsely claimed ownership of several Harris County properties by executing and filing forged and/or fraudulent real property records with the Harris County Clerk’s Office and, in some instances, fraudulently conveyed title to properties they falsely claimed to own in order to hide their wrongdoing.

B. At least one motion to declare a deed invalid has been filed against Mario Cavazos and Amelia Martinez in a probate case.

i. 9146 Cheswick Drive, Houston, Texas 77037 (Mario Cavazos, Amelia Martinez)

9. On April 22, 2016, a deed (Clerk File #RP-2016-168450) was filed, purporting to transfer title to a property at 9146 Cheswick Drive, Houston, Texas 77037 from the legal owner Joe Ann Tucker to Defendant Mario Cavazos (referred to on the deed as “Angel M. Cavazos”) and Defendant Amelia Martinez (referred to on the deed as “Amelia Cavazos”). The deed purports to be executed on April 22, 2016, and uses the notarization of Sergio Montelongo.

10. In a Harris County probate case, the Harris County Guardianship Program filed a Motion for Declaratory Judgment to declare the deed invalid. *In re Guardianship of Tucker*, No. 416912, Motion for Declaratory Judgment to Declare Deed Invalid (Statutory Probate Ct. No. 3, Harris County, Tex. Jan. 9, 2017). However, after Amelia Martinez and Mario Cavazos signed a deed transferring title back to Jo Ann Tucker, the motion was dismissed.

C. At least one suit to quiet title has been filed against Mario Cavazos.

i. 11318 O Donnell Drive, Houston, Texas 77076

11. On June 3, 2015, a deed (Clerk File #20150238308) was filed, purporting to transfer title to a property at 11318 O Donnell Drive, Houston, Texas 77076 from Harry C. Oliver to a “Francisca Tello Arvizu.” The deed purports to be executed on June 1, 2015 and uses the notarization of Karina Flores.

12. On March 8, 2016, another deed (Clerk File #RP-2016-96011) was filed, purporting to transfer title from an “M. Francisca Tello Arvizu” to Mario A Cavazos. The deed purports to be executed on March 4, 2016 and uses the notarization of Xochitl Fraticelli.

13. In July 2016, the estate of Harry C. Oliver filed a lawsuit against “Francisca Tello

Arvizu,” Mario Cavazos, and Xochitl Fraticelli. *Estate of Oliver v. Cavazos*, No. 201641618B (127th Dist. Ct., Harris County, Tex. March 23, 2017). A default judgment was signed against Mario Cavazos and Xochitl Fraticelli.

D. At least one criminal case was filed against Defendant Amelia Martinez, accusing her of falsifying documents to defraud an elder.

i. 13902 Kershaw St, Houston, Texas 77037

14. On September 1, 2015 a deed (Clerk File #20150397984) was filed, purporting to transfer title to a property at 13902 Kershaw St, Houston, Texas 77037 from John P. Watson to a Rafael Seferino. The deed was notarized by Marcial E. Mendez.

15. On May 17, 2016, another deed (Clerk File #RP-2016-208370) was filed, purporting to transfer title from a Rafael Seferino to Amelia Martinez (referred to on the deed as “Amelia Diaz M.”) and “Mariana Diaz M.” The deed was notarized by Marcial E. Mendez.

16. On December 17, 2019, Amelia Martinez (referred to in the case as “Amelia Martinez-Diaz”) was charged with a felony offense, and on July 16, 2021, she pled guilty to forgery of a financial instrument to defraud an elder. *State v. Martinez-Diaz*, No. 165726301010 (249th Dist. Ct., Harris County, Tex. Feb. 2, 2023). The court deferred adjudication, and the case was disposed after Amelia Martinez completed the community service requirement.

XII.
CAUSES OF ACTION

A. Count One: DTPA Violations

- i. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.
- ii. As alleged and detailed in this Petition, Defendants Mario Cavazos, Amelia Martinez, and

Maria Del Rosario Gonzalez-Garcia have, in the course of trade and commerce, engaged in false, misleading, and deceptive acts and practices declared to be unlawful in DTPA subsections 17.46(a) and (b) and section 17.50, including, but not limited to:

- a. Engaging in false, misleading, or deceptive acts and practices declared to be unlawful, in violation of DTPA §17.46(a);
 - b. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in violation of DTPA § 17.46(b)(2); and
 - c. Engaging in an unconscionable action or course of action, in violation of DTPA § 17.50(a)(3).
- iii. As alleged and detailed in this Petition, Defendant Mario Cavazos, with the aid of Defendant Amelia Martinez, has, in the course of trade and commerce, engaged in further false, misleading, and deceptive acts and practices declared to be unlawful in DTPA subsections 17.46(a) and (b) and section 17.50, including, but not limited to:
 - a. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law, in violation of DTPA § 17.46(b)(12);
 - b. Advertising goods or services with the intent not to sell them as advertised, in violation of DTPA § 17.46(b)(9); and
 - c. Failing to disclose information concerning goods or services which was known at the time of the transaction with the intent to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed, in violation of DTPA § 17.46(b)(24).

B. Count Two: Real Estate Fraud

- iv. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.
- v. Defendant Mario Cavazos, with the aid of Defendant Amelia Martinez, as alleged and detailed in this Petition, has engaged in fraud in transactions involving the transfer of title to real estate by making false representations of past or existing material facts. *See* Tex. Bus. & Com. Code § 27.01(1).
- vi. Defendant Mario Cavazos's false representations and false material promises were made to a person or person(s) for the purpose of inducing that person to enter into a contract or contract(s) related to the transfer of title to real estate.
- vii. Said persons relied on Defendant Mario Cavazos's false representations and false material promises and, as such, have suffered injury.

C. Count Three: Recording of Fraudulent Lien

- viii. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.
- ix. Defendants Mario Cavazos, Amelia Martinez, and Maria Del Rosario Gonzalez-Garcia as alleged and detailed in this Petition, knowingly made, presented, or used a fraudulent lien or claim against real or personal property or an interest in real or personal property, in violation of Texas Civil Practice and Remedies Code section 12.002.
- x. Defendants made, presented, or used the above-described record with the intent that said record be given the same legal effect as a valid lien or claim against real or personal property or an interest in real or personal property, and with the intent to cause another person physical injury, financial injury, or mental anguish or emotional distress.

XIII.
TRIAL BY JURY

- xi. Plaintiffs herein request a jury trial and tender the jury fee to the Harris County District Clerk's Office pursuant to Texas Rule of Civil Procedure 216.

XIV.
APPLICATION FOR PERMANENT INJUNCTION

- xii. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.
- xiii. Plaintiffs' application for permanent injunction is authorized by DTPA section 17.47 and Texas Civil Practice and Remedies Code section 12.003. Plaintiffs have reason to believe that Defendants are engaging in, have engaged in, and/or are about to engage in, acts and practices declared to be unlawful under the DTPA and Civil Practice and Remedies Code chapter 12. Plaintiffs further plead that these proceedings are in the public interest.
- xiv. Plaintiffs request the Court grant a permanent injunction enjoining Defendants and their officers, agents, servants, employees, attorneys, and any other person or entity in active concert or participation with them—whether acting directly or through any corporation, company, partnership, trust, entity, subsidiary, division, or other device—from the following:
- a. Representing to any person that Defendant or any other person has an ownership interest in real property in which Defendant or the person does not have an ownership interest;
 - b. Executing, agreeing to execute, attempting to execute, or taking any action in furtherance of executing any document or instrument including, but not limited

to, any deed, that claims or purports to show an interest in property that Defendant does not own, other than executing an instrument transferring or returning title to property fraudulently or wrongfully obtained or claimed by Defendant to the lawful owner of said property or withdrawing an unlawful ownership interest in real property;

- c. Recording, agreeing to record, attempting to record, or taking any action in furtherance of recording with the Harris County Clerk's Office any real property instrument, including, but not limited to, any deed, that claims or purports to show an interest in property that Defendant or any other person or entity does not own, other than recording an instrument transferring or returning title to property fraudulently or wrongfully obtained or claimed by Defendant to the lawful owner of said property or withdrawing an unlawful ownership interest in real property;
- d. Transferring or selling, agreeing to transfer or sell, attempting to transfer or sell, or taking any action in furtherance of transferring or selling any interest in any real property that Defendants or their agents, representatives, employees, or any other person or entity in active concert or participation with them are purported to own but do not own, including, but not limited to, entering into any agreement to sell real property, advertising the sale of any real property, or communicating to any third party that Defendant will or may transfer Defendant's ownership interest in the property, regardless of whether the transfer is for consideration, other than transferring or returning title to property fraudulently or wrongfully obtained or claimed by Defendant to the lawful

owner of said property or withdrawing an unlawful ownership interest in real property;

- e. Engaging in false, misleading, or deceptive acts and practices declared to be unlawful;
- f. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- g. Advertising goods or services with the intent not to sell them as advertised;
- h. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law; and
- i. Failing to disclose information concerning goods or services which was known at the time of the transaction with the intent to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.

XV.

WRIT TO ISSUE WITHOUT BOND

- xv. Plaintiffs request that the Clerk of the Court issue such Writs of Injunction pursuant to any Injunction issued by this Court in conformity with the law, and that the same be issued and be effective without the execution and filing of a bond as Plaintiffs are exempt from such bonds under DTPA subsection 17.47(b).

XVI.

CONDITIONS PRECEDENT

- xvi. All conditions precedent to Plaintiffs' claims for relief have been performed or have occurred.
- xvii. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court:
 - a. Cite Defendants according to the law to appear and answer herein
 - b. Grant a permanent injunction restraining Defendants and their officers, agents, servants, employees, attorneys, and any other person or entity in active concert or participation with them, as requested in Plaintiffs' Application for Permanent Injunction;
 - c. Void forged real property records and fraudulent title transfers and/or order Defendants to transfer title back to any property owner whose property has not been conveyed to a third party in a good faith transaction;
 - d. Order Defendants to pay civil penalties of up to \$10,000.00 per violation of the DTPA and Chapter 27 of the Texas Business and Commerce Code, and civil penalties of up to \$250,000.00 per violation of the DTPA and Chapter 27 of the Texas Business and Commerce Code, when the act or practice acquired or deprived money or property from a consumer who was 65 years of age or older when the act or practice occurred;
 - e. Order Defendants to pay money damages and restitution of money or property acquired by means of an unlawful act or practice under the DTPA and Chapter 27 of the Texas Business and Commerce Code;
 - f. Order Defendants pay injured persons exemplary damages in an amount determined by the Court, in accordance with Civil Practice and Remedies Code subsection 12.002(b)(4);
 - g. Award Plaintiffs all costs of bringing the action, including all court costs, attorney's fees,

and related expenses, such as investigative expenses, as provided by Civil Practice and Remedies Code section 12.006;

- h. Award-judgment and post-judgment interest on all awards of damages or penalties, as provided by law;
- i. Decree that all of Defendants' penalties are not dischargeable in bankruptcy to the maximum extent permitted by 11 U.S.C. § 523 and/or any other applicable law; and
- j. Award Plaintiffs any such other and further relief to which they are justly entitled.

Respectfully submitted,

ABBIE KAMIN
HARRIS COUNTY ATTORNEY

SARAH J. UTLEY
MANAGING COUNSEL,
AFFIRMATIVE AND ENVIRONMENTAL

CHRISTOPHER GARZA
DIVISION DIRECTOR,
AFFIRMATIVE & SPECIAL LITIGATION DIVISION

/s/ Allison Lee

ALLISON LEE
ASSISTANT COUNTY ATTORNEY
AFFIRMATIVE & SPECIAL LITIGATION DIVISION
Texas State Bar No: 24150649
Allison.Lee@harriscountytexas.gov

BRIAN J. HRACH
DEPUTY DIVISION DIRECTOR,
AFFIRMATIVE & SPECIAL LITIGATION DIVISION
Texas State Bar No: 24050787
Brian.Hrach@harriscountytexas.gov

OFFICE OF THE HARRIS COUNTY ATTORNEY
1010 Lamar, 11th Floor
Houston, Texas 77002
Telephone: (713) 274-5101
Facsimile: (713) 755-8924

ATTORNEY FOR PLAINTIFF
HARRIS COUNTY, TEXAS
Telephone: (713) 274-5101

ATTORNEYS FOR PLAINTIFFS THE STATE
OF TEXAS AND HARRIS COUNTY, TEXAS

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.

Erin Robinson on behalf of Allison Lee

Bar No. 24150649

Erin.Robinson@harriscountytexas.gov

Envelope ID: 119048297

Filing Code Description: Petition

Filing Description: Plaintiffs' Original Petition and Application for Permanent Injunction

Status as of 8/25/2026 1:11 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Brian Hrach		brian.hrach@harriscountytexas.gov	8/25/2026 9:44:14 AM	NOT SENT
Allison Lee		Allison.Lee@harriscountytexas.gov	8/25/2026 9:44:14 AM	NOT SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 1, 2026

Certified Document Number: 128434085 Total Pages: 26

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com