

CASE NO. [_____]

STATE OF TEXAS and
HARRIS COUNTY, TEXAS,

Plaintiffs,

V.

ALBA MARTINEZ and
JARIN MARTINEZ,

Defendants.

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IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

[_____] JUDICIAL DISTRICT

**PLAINTIFFS THE STATE OF TEXAS AND HARRIS COUNTY'S
ORIGINAL PETITION AND APPLICATION FOR TEMPORARY AND
PERMANENT INJUNCTION AND TEMPORARY RESTRAINING ORDER**

Plaintiffs the State of Texas and Harris County, Texas, acting by and through the Harris County Attorney, Christian D. Menefee, bring this action against Defendants Alba Martinez and Jarin Martinez for violating Texas Civil Practice and Remedies Code chapter 12; Texas Business and Commerce Code chapter 27, Fraud in Real Estate Transactions; and the Deceptive Trade Practices – Consumer Protection Act, Texas Business and Commerce Code chapter 17, subchapter E (the “DTPA”).

1. Defendants Alba Martinez and Jarin Martinez run a fraudulent scheme of falsely claiming ownership of properties throughout Harris County. Defendants routinely forge deeds transferring title to themselves. Defendants also prepare fraudulent deeds, affidavits, and other real property records that falsely identify themselves as the owners of properties in which they have no ownership interest. Defendants then use the forged and fraudulent documents to “sell” properties they do not own to unsuspecting buyers. As a result, Harris County property owners are left

with clouded property titles and properties often possessed by third parties who believe they are the legal owners. Additionally, those who rely on Defendants' misrepresentations suffer great financial harm in paying Defendants significant amounts for properties Defendants did not own and incurring other costs, such as paying delinquent property taxes and developing the properties.

2. Schemes like those perpetrated by Defendants have no place in Harris County. Accordingly, the State of Texas and Harris County, Texas, acting by and through the Office of the Harris County Attorney, Christian D. Menefee, on behalf of the public, file this Original Petition and Application for Temporary and Permanent Injunction and Temporary Restraining Order, and complain that Defendants (1) presented false documents to be recorded as real property records in violation of Civil Practice and Remedies Code chapter 12, (2) committed statutory fraud in real estate transactions in violation of Business and Commerce Code chapter 27, and (3) engaged in unlawful conduct in violation of the DTPA.

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

I. **DISCOVERY CONTROL PLAN**

4. 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

5. Plaintiffs seek non-monetary, injunctive relief, civil penalties, and damages to injured persons, in a total amount that exceeds \$1,000,000.00. *See* Tex. R. Civ. P. 47(c)(4).

III. PARTIES

6. Plaintiffs are the State of Texas and Harris County, Texas, acting by and through the Harris County Attorney, Christian D. Menefee, under the authority of the laws of the State of Texas.

7. Defendant Alba Martinez is an individual who may be served with process at 6113 W. Montgomery Road, Houston, Texas 77091, or wherever she may be found.

8. Defendant Jarin Martinez is an individual who may be served with process at 6113 W. Montgomery Road, Houston, Texas 77091, or wherever he may be found.

IV. JURISDICTION AND AUTHORITY

9. 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.

10. Plaintiffs, acting by and through the Harris County Attorney, Christian D. Menefee, are authorized to bring this action under (1) Texas Civil Practice and

Remedies Code sections 12.002 and 12.003, which prohibit the making, presenting, or use of fraudulent records; (2) Texas Business and Commerce Code section 27.015, which protects the public from fraudulent real estate transactions; and (3) DTPA sections 17.47 and 17.48, which protect the public from false, misleading, and deceptive trade practices.

V.
VENUE

11. Venue is proper in Harris County pursuant to Civil Practice and Remedies Code section 12.004 in that the recorded documents were recorded in Harris County and the real properties at issue are located in Harris County. Venue is also 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.

VI.
PURPOSE OF SUIT

12. The purpose of this suit is to obtain a temporary restraining order and temporary and permanent injunctions; 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.

13. 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

14. 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

15. 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

16. 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

17. 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 to creating and recording false or forged documents, Defendants made false and deceptive representations to convince unsuspecting prospective buyers to pay Defendants for properties in which Defendants had no ownership interest.

18. To date, Defendants have made, presented, and/or used **79** forged or fraudulent real property instruments recorded in the real property records of the Harris County Clerk's Office. Defendants have used these documents to falsely claim ownership to **37** properties. On several of the properties, Defendants have subsequently "sold" the properties. Below are examples of the schemes used by Defendants.

A. Direct Transfers of Properties Defendants Do Not Own from Defendants to Unsuspecting Buyers.

19. In several instances, Defendants executed warranty deeds that fraudulently transfer title to properties in which Defendants have no ownership interest to unsuspecting buyers. To facilitate these transfers, Defendants target potential buyers who lack expertise in real estate transactions, do not know how to verify Defendants' claim of ownership, are often willing to pay in cash, and in many instances, do not speak English.

20. Defendants assert various false representations—such as claiming they inherited the properties—to convince the buyers they are purchasing from the legal

Certified Document Number: 119943258 - Page 7 of 27

Fraudulent warranty deed signed by Defendant Alba Martinez.

7

B. Direct Transfers of Properties to Defendants through Forged Deeds.

22. Defendants have also created and recorded forged deeds that falsely state others have transferred properties to Defendants. Defendants then misrepresent their ownership interest in the properties to third party buyers to sell the properties.

23. In one example of this scheme, Defendant Jarin Martinez created and recorded the below warranty deed transferring property owned by James Hartley and Jack Lewis to Defendant Jarin Martinez. The deed was allegedly signed by Hartley and Lewis on March 9, 2023. Both of those individuals were deceased on that date. Defendant Jarin Martinez went on to sell the property to a buyer for \$53,000.

RECIPENT NOTICE OF CONFIDENTIALITY RIGHTS: RECIPIENT AGREES TO MAKE IMPROVEMENTS TO THE PROPERTY AND TO PAY ALL TAXES ON THE PROPERTY. IF YOU ARE NATURAL PERSON, YOU MAY REMOVE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS ENTERED IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S.

General Warranty Deed

Date: 03/09/2023 Issue: March 9, 2023

Grantor(s): James H. Hartley Grantor(s): Jack Lewis

Grantee: Jarin A. Martinez
9131 Hwy 28
Houston, TX 77058

Consideration: Fifteen thousand dollars \$15,000.00 cash and other good and valuable consideration received.

Property (including any improvements):
Lot 17, Block 77, Neighborhood Heights Association 7 a subdivision in Harris County, Texas.
Command County: Harris County, Texas, TX 77058

Reservations from Conveyance: None

Exceptions to Conveyance and Warranties:
The consideration, covenants and duties to covenants of the grantor's right title, and interest in and to the property, in force and to hold in to Grantor, Grantor's heirs, executors, administrators, successors, or assigns forever.
Neither Grantor nor Grantor's heirs, executors, administrators, successors, or assigns shall have, claim or demand any right or title to the property or any part of it.

When the deed is signed, singular names and positions include the phrase:

General Warranty Deed, Page 2

This deed was prepared without a review or examination of the title to or a survey of the Subject Property.

James H. Hartley Jack Lewis

STATE OF TEXAS)
COUNTY OF HARRIS)

This instrument was acknowledged before me on 03/09/2023, by James H. Hartley & Jack Lewis.

Jarin A. Martinez
9131 Hwy 28
Houston, TX 77058

General Warranty Deed, Page 2

*Forged warranty deed recorded by Defendant Jarin Martinez
purportedly signed by deceased property owners.*

C. Transfers of Properties to Defendants Using Forged Backdated Deeds Through Deceased or Fictitious Intermediaries

24. In numerous other instances, Defendants forged and recorded warranty deeds

that purport to transfer title from property owners (many of whom are deceased) to either a deceased or fictitious person. Defendants then forged and recorded warranty deeds transferring the property from the deceased or fictitious person to Defendants. Both deeds are typically backdated several years to appear as if they were executed while the decedents were still alive. Defendants also forged notary stamps and signatures on these deeds. Many of the forged deeds were “notarized” by individuals who are not (and never were) licensed notaries. Other forged deeds were notarized by licensed notaries who are complicit in Defendants’ scheme.

25. Defendants then use the forged deeds to falsely represent their ownership of the properties to potential buyers. With a paper trail purporting to show Defendants own the properties through one or more transfers of title, Defendants then mispresent their ownership interest to unsuspecting buyers who purchase the properties believing Defendants have clean title.

26. In the below deed, Defendant Alba Martinez forged the signature of Michael Scranton, the legal property owner of property located at 815 Elkhart Street, Houston, Texas 77091. The deed falsely states that Scranton transferred his property to Milton Labave, a person Defendant Alba Martinez claims was her adoptive father. The deed is notarized by “Isaiah Brown,” who, according to the Texas Secretary of State, is and never was a licensed notary public. Although the deed is dated in 2014, Defendant Alba Martinez recorded it in 2025.

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GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE REAL PROPERTY PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Dated December 17, 2014

Grantor: Michael Scruton
2155 Chaucers 54, Ste. A
Houston Texas 77002

Grantee: Milton Meloy Labaree
6106 Reed St., Houston, Texas 77001

Consideration: Ten And No/100 and other good and valuable considerations received.

Property (including any improvements):
Lot 9 & 10 Bk. 31 of HIGHLAND HEIGHTS ANNEX 8 A SUBDIVISION IN HARRIS COUNTY, TEXAS

Property Address: 815 Effort St., Houston, Texas 77041

Reservations From Conveyance: None.

Exceptions to Easements and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, gives, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold to be Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantee and Grantee's heirs and successors to defend and defend or defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except so to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

9/1-2025-20300


RF-2035-20350

When the court requires, singular nouns and pronouns include the plural.

Michael S. Heller, by Michael S. Heller (Heller)

STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was presented before me on this day:
December 17, 2014



L. Sarah Brink
Notary Public, State of Texas

My commission expires on 08/18/17.

AFTER RECORDING RETURN TO:
Michele Liberto
6195 Reed Street Houston Texas 77061

Forged warranty deed purportedly transferring ownership from owner Michael Scanton to Defendant Alba Martinez’s “father,” Milton Labave.

27. Then, in the below deed, Defendant Alba Martinez forged the signature of Milton Labave. This deed falsely states that, after Scranton's property was transferred to Labave, Labave transferred the property to Defendant Alba Martinez. The deed is also notarized by "Isaiah Brown." Although this deed is dated in 2015, Defendant Alba Martinez recorded it in 2025.

RP-2025-37234

RP-2025-37234
01/25/2025 04:25:36

14

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE REAL PROPERTY PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

Date: Monday February 10th/2015

Page 3 of 2

Grantee: Milba M Louree
6106 Beal St. Houston Tx 77061

Grantor: Alza Z Martinez
6106 Beal St. Houston Tx 77061

Consideration: Ten And No /100 and other good and valuable consideration received.

Property description: Lot 9 & 10 E&F 55 Highland Heights Annex 6 a total/lot/area of 11.88815 ACRES COUNTY, TEXAS

Property Address: 815 Ellison St, Houston Tx 77061

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Grantor, her the Contribution and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold to is Grantee and Grantee's heirs, successors, and assigns forever. Grantee binds Grantee and Grantee's heirs and successors to warrant and defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whatsoever lawfully claiming to or claim the same in any way except except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

RECORDING MEMORANDUM
This instrument was delivered at the
City of Houston, Texas, on 02/10/2015.


When the context requires, singular nouns and pronouns include the plural.

Page 2 of 2

Matthew J. Bassie
Notary: M. J. Bassie

STATE OF TEXAS: §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this day, Monday February 16, 2015.



M. J. Bassie
Notary Public, State of Texas

My commission expires on 02/16/2018.

68-2026-33234

68-2026-33234

AFTER RECORDING RETURN TO:
Alice Z. Skortines
6436 Reed St. Houston Tx 77061

Forged warranty deed purportedly transferring ownership from Labave to Defendant Alba Martinez.

28. Defendant Alba Martinez, using the above fraudulent deeds, sold Scranton's property for \$58,000.

D. False “Affidavits of Ownership”

29. Defendants have also created and recorded several “Affidavits of Ownership” that falsely claim their ownership interests in properties. In these affidavits, Defendants state under oath they own certain properties. The affidavits reference deeds previously recorded in the Harris County real property records that Defendants claim transferred title to them. Those deeds, however, do not exist in the real property records. Defendants present these affidavits to prospective buyers (primarily individuals who do not speak or read English) and offer them as proof that

Defendants own the properties. Relying on Defendants' fraudulent representations, buyers then pay Defendants for the properties.

30. As an example, in the below "Affidavit of Ownership," Defendant Jarin Martinez claimed that he acquired ownership of property at 855 West Little York, Houston, Texas 77091 "by deed dated: 02/08/2024, recorded in the HARRIS County Clerk's Office on: 02/08/2024, in Book Affidavit of Ownership of Deeds at Page 2." No such deed is recorded in the Harris County real property records.

Affidavit of Ownership

State of Texas
County of Harris

I, Jarin A. Martinez, residing at: 6106 Beech St, Houston, Texas 77091, being of legal age, single and my husband.

Description Property

I am presently the owner of real property situated at: 855 W. Little York Rd, Houston, TX 77091, Harris, Texas 77091 and legally described as: E122, Blk 5, Green Meadows

Ownership

I acquired ownership of the above property by deed dated: 02/08/2024, recorded in the HARRIS County Clerk's Office on: 02/08/2024, in Book Affidavit of Ownership of Deeds at Page 2.

Possession

I presently hold possession of the property from the date of purchase and I have retained in continuous, open, peaceful and undisturbed possession of the Property since that date.

I have no knowledge of any facts which would indicate that my title or possession of the subject property would be raised into question or dispute.

To my knowledge, my title in the subject premises has never been disputed, rejected or questioned.

Liens and Encumbrances

No claim or action has been brought or any situation which questions my title or right to possession of the property and, to my knowledge, no suit is pending, against me in any court.

There are no judgments against me which are unpaid in any court of Texas or of the U.S., and the subject premises are free from all liens and encumbrances.

No proceedings in bankruptcy have been brought by or against me in any court, nor have I made an assignment for the benefit of creditors, nor have I made any other type of creditor arrangements.

Purpose

This affidavit is being made As required by ABC Lender that I am the rightful owner of the property described in this Affidavit.

Oath or Affirmation

I certify under penalty of perjury under Texas law that I know the contents of this Affidavit and sign this affidavit as true and that the statements are true and correct.

Jarin A. Martinez
Date: 02/08/2024

STATE OF TEXAS, COUNTY OF HARRIS, ss.

That Affidavit was acknowledged before me on this 08th day of February, 2024 by Jarin A. Martinez, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit, subscribed his name, and that the contents stated herein are true to the best of his knowledge and belief.

Notary Public
Title (not Blank)
My commission expires 01/23/2027

After recording return to: Jarin A. Martinez
6106 Beech St, Houston, TX 77091

RECORDED IN BOOK 119943258 PAGE 12 OF 27

"Affidavit of Ownership" signed by Defendant Jarin Martinez falsely claiming he acquired ownership of property by deed recorded in the Harris County Clerk's Office.

31. Defendants have committed fraud and used false and deceptive tactics in an effort to fraudulently obtain title to 37 Harris County properties. Defendants have further engaged in fraudulent and unlawful conduct in their pursuit of selling

properties they do not own to numerous unsuspecting buyers. Plaintiffs now bring this action to hold Defendants to account.

XI. CAUSES OF ACTION

A. Count One: Fraudulent Claims Filed Against Real Property

32. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.

33. Defendants Alba Martinez and Jarin Martinez, as alleged and detailed in this Petition, knowingly made, presented, and used fraudulent liens or claims against real properties or interests in real properties, in violation of Texas Civil Practice and Remedies Code section 12.002.

34. Defendants made, presented, and used the above-described records with the intent that said records be given the same legal effect as valid liens or claims against real or personal property or interests in real or personal property, and with the intent to cause other persons physical injury, financial injury, or mental anguish or emotional distress.

B. Count Two: Real Estate Fraud

35. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.

36. Defendants Alba Martinez and Jarin Martinez, as alleged and detailed in this Petition, have 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).

37. Defendants' false representations were made to person(s) for the purpose of inducing said person(s) to enter into a contract or contract(s) related to the transfer of title to real estate. Said person(s) relied on Defendants' false representations and, as such, have suffered injury.

C. Count Three: DTPA Violations

38. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.

39. Defendants Alba Martinez and Jarin Martinez, as alleged and detailed in this Petition, 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), including, but not limited to:

- a. Engaging in false, misleading, or deceptive acts and practices declared to be unlawful, Tex. Bus. & Com. Code §17.46(a);
- b. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, Tex. Bus. & Com. Code § 17.46(b)(2);
- c. Advertising goods or services with the intent not to sell them as advertised, Tex. Bus. & Com. Code § 17.46(b)(9);
- d. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law, Tex. Bus. & Com. Code § 17.46(b)(12); and
- e. 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, Tex. Bus. & Com. Code § 17.46(b)(24).

XII.
TRIAL BY JURY

40. 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.

XIII.
APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION

41. Plaintiffs incorporate and adopt by reference the allegations in each and every preceding paragraph of this Petition.

42. Plaintiffs' application for a temporary restraining order, temporary injunction, and permanent injunction is authorized by DTPA section 17.47 and Civil Practice and Remedies Code section 12.003. Plaintiffs have reason to believe that Defendants have engaged in, are engaged in, and/or are about to engage in, acts and practices declared to be unlawful under the DTPA and Chapter 12. Plaintiffs further plead that these proceedings are in the public interest.

43. Defendants have repeatedly created and recorded in the Harris County real property records forged deeds that purport to show Defendants own several properties. Defendants have also routinely created and recorded in the Harris County real property records fraudulent "affidavits of ownership" and other real property instruments that falsely state Defendants have an ownership interest in properties. Defendants take these actions to effectively steal real property from legitimate owners.

44. Defendants have also used the above-described forged and fraudulent

instruments to “transfer” ownership of the properties from Defendants to buyers who are willing to pay Defendants without verifying Defendants’ title to the properties. Thus, in addition to harming the true property owners through their false claims of title to the properties, Defendants defraud individuals who pay Defendants for properties in which Defendants have no ownership interest.

45. Plaintiffs seek a temporary restraining order and temporary injunction to immediately halt Defendants’ unlawful conduct so that individuals’ ownership and other interests in real property are not further transferred or adversely impacted by Defendants and other potential property buyers are not further defrauded by Defendants. A temporary restraining order serves to provide emergency relief and to preserve the status quo until a hearing may be held on a temporary injunction. *Texas Aeronautics Comm’n v. Betts*, 469 S.W.2d 394, 398 (Tex. 1971). A temporary injunction preserves the status quo of the litigation’s subject matter pending a trial on the merits. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

46. A party seeking a temporary injunction typically must demonstrate (1) a cause of action against the defendants, (2) a probable right to the relief sought, and (3) a probable imminent, and irreparable injury in the interim. *Abbott v. Anti-Defamation League Austin*, 610 S.W.3d 911, 916 (Tex. 2020). Unlike a private litigant seeking a temporary restraining order, Plaintiffs are not required to demonstrate a likelihood of success, irreparable injury, or balancing the equities. *State v. Tex. Pet Foods, Inc.*, 591 S.W.2d 800, 805 (Tex. 1979) (“[W]hen it is determined that a statute is being violated, it is within the province of the district court to restrain it.”); *David Jason*

West & Pydia, Inc. v. State, 212 S.W.3d 513, 519 (Tex. App.—Austin 2006, no pet.) (“[W]hen an applicant relies upon a statutory source for injunctive relief, such as the DTPA, the statute’s express language supersedes the common law injunctive relief elements such as imminent harm or irreparable injury and lack of an adequate remedy at law.”); *see also* Tex. R. Civ. P. 693. Plaintiffs are entitled to a temporary restraining order upon a showing that (1) Defendants have engaged in or are about to engage in an unlawful act or practice and (2) the proceedings are in the public interest.

47. Nevertheless, the public will suffer probable imminent and irreparable injury if Defendants are not enjoined from continuing to engage in the unlawful conduct described in this Petition, and Plaintiffs are likely to succeed on the cause of action described above.

48. This Petition and Application are supported and verified by the Affidavit of Fabian Arista, Chief Investigator, Office of the Harris County Attorney. *See* “Affidavit of Fabian Arista,” attached hereto as Exhibit A. In his affidavit, Chief Investigator Arista identifies 79 real property documents recorded in the Harris County real property records that were forged and/or fraudulently represent Defendants’ property ownership. Ex. A, at ¶ 8. In total, Defendants have made, presented, or used forged or fraudulent real property instruments and/or made fraudulent representations in selling property they do not own for at least 37 properties. *Id.* Examples of this conduct includes:

- Forging the signatures of deceased property owners on deeds. *Id.* at ¶¶ 9,

45, 52.

- Forging the signatures of property owners who are not deceased on deeds. *Id.* at ¶¶ 19, 40.
- Recording “Affidavits of Ownership” claiming to be the owners of properties in which Defendants have no ownership interest. *Id.* at ¶¶ 17, 24, 31, 41, 49.
- Executing deeds transferring properties that Defendants do not own to unsuspecting buyers in return for cash payments. *Id.* at ¶¶ 14, 18, 26, 33, 37, 53.
- Forging the signatures of deceased individuals or fictitious persons on deeds in an attempt to avoid a direct transfer of ownership to Defendants from the properties’ legal owners. *Id.* at ¶¶ 9, 20, 28, 42.

49. Defendants are engaged in blatantly unlawful conduct, as detailed in this Petition and the evidence attached to this Application. As such, it is probable that Plaintiffs will recover from Defendants after a trial on the merits.

50. Further, unless immediately restrained by the Court, Defendants will continue to violate the laws of the State of Texas and cause immediate and irreparable injury, loss, and damage to Plaintiffs and the general public. Defendants have continued to create and record fraudulent documents despite receiving cease-and-desist letters from the Office of the Harris County Attorney. Ex. A at ¶ 9. Despite receiving a written demand from the undersigned attorney to cease the conduct described in this Petition, Defendants have continued to record real property instruments that falsely represent their ownership interests, including recording a deed that fraudulently transferred property as recently as April 7, 2025. *See id.* If Defendants are not enjoined, legitimate owners of property will suffer irreparable injury in having their

property effectively stolen by Defendants, who then seek to sell the property to unsuspecting buyers. Plaintiffs have an interest that justifies suit and will suffer an irreparable injury absent judicial relief.

51. Plaintiffs therefore request the Court grant a temporary restraining order and temporary 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 possesses an ownership interest in real property in which Defendant or the person does not possess;
- 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 or affidavit of ownership, that claims or purports to show an ownership interest in property that Defendant does not have, 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 upon written approval by the Office of the Harris County Attorney;
- 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 or affidavit of ownership, that claims or purports to show an ownership interest in property that Defendant does not possess, 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 upon written approval by the Office of the Harris County Attorney;
- d. Transferring, agreeing to transfer, attempting to transfer, or taking any action in furtherance of transferring any ownership interest in any real

property in which Defendants have no ownership interest, 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 upon written approval by the Office of the Harris County Attorney;

- 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.

52. On April 9, 2025, Plaintiffs provided Defendants notice of a hearing on Plaintiffs' Application for Temporary Restraining Order. On April 9, 2025, Plaintiffs provided Defendants notice by e-mail of this lawsuit and the date, time, and location of the hearing on Plaintiffs' Application for Temporary Restraining Order. Prior to filing suit, Plaintiffs also provided Defendants a copy of this Original Petition and Application for Temporary and Permanent Injunction and Temporary Restraining Order. Plaintiffs further intend to provide Defendants notice on April 10, 2025, by e-

mail and telephone of the setting on Plaintiffs' application for a temporary restraining order.

53. 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 or affidavit of ownership, that claims or purports to show an ownership interest in property that Defendant does not have, 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 upon written approval by the Office of the Harris County Attorney;
- 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 or affidavit of ownership, that claims or purports to show an ownership interest in property that Defendant does not have, 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 upon written approval by the Office of the Harris County Attorney;
- d. Transferring, agreeing to transfer, attempting to transfer, or taking any action in furtherance of transferring any ownership interest in any real property in which Defendants have no ownership interest, 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 upon written approval by the Office of the Harris County Attorney;

- 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.

XIV.

WRIT TO ISSUE WITHOUT BOND

54. Plaintiffs request that the Clerk of the Court issue such Writs of Injunction and/or Writs of Restraint pursuant to any Injunction or Temporary Restraining Order 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).

XV.
CONDITIONS PRECEDENT

55. All conditions precedent to Plaintiffs' claims for relief have been performed or have occurred.

XVI.
PRAYER

56. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court:

- a. Cite Defendants according to the law to appear and answer herein;
- b. Grant a temporary restraining order, which will remain in force until a temporary injunction hearing can be held, 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 Temporary Restraining Order and Temporary and Permanent Injunction, and ordering Defendants to appear for a temporary injunction hearing within fourteen (14) days therefrom;
- c. Grant a temporary 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 Temporary Restraining Order and Temporary and Permanent Injunction;
- d. 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 Temporary Restraining Order and Temporary and Permanent Injunction;
- e. Void forged real property records and fraudulent title transfers and 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;
- f. 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;

- g. 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;
- h. Order Defendants pay injured persons the greater of \$10,000.00 or the actual damages caused by the violation for each violation of Civil Practice and Remedies Code subsection 12.002(a), in accordance with Civil Practice and Remedies Code subsection 12.002(b)(1);
- i. 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);
- j. 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;
- j. 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,

CHRISTIAN D. MENEFEE

HARRIS COUNTY ATTORNEY

JONATHAN G.C. FOMBONNE

DEPUTY COUNTY ATTORNEY AND FIRST
ASSISTANT

TIFFANY S. BINGHAM

MANAGING COUNSEL,
AFFIRMATIVE & SPECIAL LITIGATION DIVISION

/s/ Jesse M. Blakley

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Facsimile: (713) 755-8924

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

CASE NO. _____

STATE OF TEXAS and
HARRIS COUNTY, TEXAS,
Plaintiffs,

V.

ALBA MARTINEZ and
JARIN MARTINEZ,
Defendants.

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IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

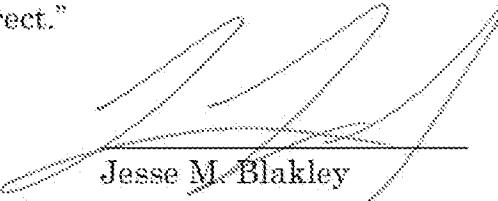
____ JUDICIAL DISTRICT

VERIFICATION

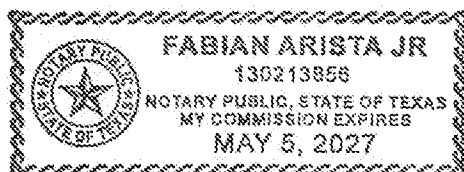
STATE OF TEXAS §
COUNTY OF HARRIS §

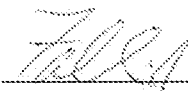
Before me, the undersigned notary for the State of Texas, on this day personally appeared Jesse M. Blakley, whose identity is known to me. After I administered an oath, affiant testified as follows:

"My name is Jesse M. Blakley. I am over the age of eighteen and otherwise fully capable of making this verification. I have read the *Plaintiffs The State of Texas and Harris County's Original Petition and Application for Temporary and Permanent Injunction and Temporary Restraining Order*, and the facts stated therein are within my personal knowledge and are true and correct."


Jesse M. Blakley

Subscribed and sworn to me, the undersigned authority, on this the 10
day of APRIL, 2025.




Notary Public in and for the
State of 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.

Charlotte Zhang on behalf of Jesse Blakley

Bar No. 24060952

Charlotte.Zhang@harriscountytexas.gov

Envelope ID: 99500083

Filing Code Description: Petition

Filing Description: Plaintiffs' Original Petition and Application for

Temporary and Permanent Injunction and Temporary Restraining Order

Status as of 4/10/2025 10:54 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Christopher Garza		Christopher.Garza@harriscountytexas.gov	4/10/2025 9:41:25 AM	SENT
Jesse Blakley		Jesse.Blakley@harriscountytexas.gov	4/10/2025 9:41:25 AM	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 April 10, 2025

Certified Document Number: 119943258 Total Pages: 27

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