

Note the VERIFICATION as required for a suit claiming unpaid "OPEN ACCOUNT"



I certify this to be a true and exact copy of the original on file in the District Clerk's Office, Van Zandt County, Texas.

Candi Scott

No. 00-00619

FILED FOR RECORD

THE LAW OFFICES OF  
G. DAVID WESTFALL, P.C.

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IN THE DISTRICT COURT  
DIST. CLERK VAN ZANDT CO. TX.  
294<sup>th</sup> JUDICIAL DISTRICT  
BY \_\_\_\_\_ DEP  
VAN ZANDT COUNTY, TEXAS

vs.

UDO BIRNBAUM

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, THE LAW OFFICES OF G. DAVID WESTFALL, P.C., Plaintiff, complaining of UDO BIRNBAUM, hereinafter referred to as Defendant, and for cause of action would respectfully show the court the following:

I.

Plaintiff is a professional corporation with its principle office and place of business in Dallas, Dallas County, Texas.

Defendant is an individual whose residence is in Eustace, Van Zandt County, Texas and who has been previously served with process and has appeared by filing a written answer herein.

II.

On or about May 5, 1999, Defendant retained Plaintiff to perform legal services in a civil matter in Cause No. 3:99-CV-0696-R in the United District Court for the Northern District of Texas in Dallas, Dallas County, Texas.

III.

The legal and/or personal services were provided at the special instance and requested of Defendant and in the regular course of business. In consideration of such services, on which systematic records were maintained, Defendant promised and became bound and liable to pay Plaintiff the prices charged for such services and expenses in the amount of \$18,121.10, being a reasonable charge for such services. A true and accurate photostatic copy of the accounts for services rendered are attached hereto by reference for all purposes as Exhibit "A". Despite Plaintiff's demands upon Defendant for payment, Defendant has refused and failed to pay the

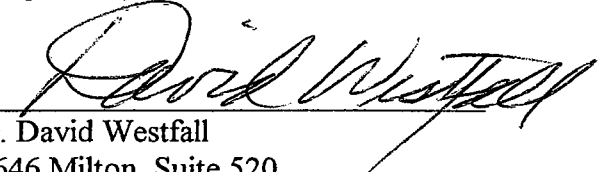
account to Plaintiff's damage in the total amount of \$18,121.10. All just and lawful offsets, payments and credits have been allowed.

IV.

Plaintiff is entitled to recover reasonable attorney's fees incurred in the filing of this suit. Demand for payment from Defendant has been made. Plaintiff requests reasonable attorney's fees as determined by the trier of fact.

**WHEREFORE PREMISES CONSIDERED**, Plaintiff prays that Defendant be cited to appear and answer and upon final hearing, Plaintiff have judgment against Defendant for \$18,121.10 plus prejudgment and postjudgment interest at the highest rate allowed by law, attorney's fees, costs of court and for such other and further relief, both at law and equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

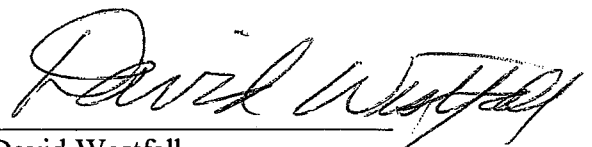
  
G. David Westfall  
5646 Milton, Suite 520  
Dallas, Texas 75206  
(214) 741-4741  
State Bar No. 21224000

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon all counsel of record:

- Certified Mail/Return Receipt Requested
- Facsimile Transfer
- First Class Mail
- Federal Express
- Courier
- Hand-Delivery

on this the 4<sup>th</sup> day of Sept, 2001.

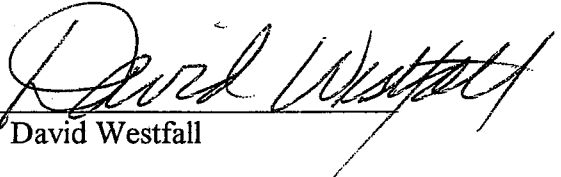
  
G. David Westfall

VERIFICATION

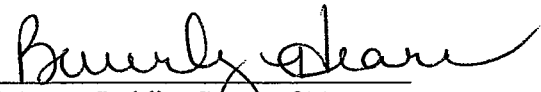
**VERIFICATION**

STATE OF TEXAS            )(

Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared G. David Westfall, who being by me duly sworn stated on oath that the foregoing and annexed **account** in favor of Plaintiff and against Udo Birnbaum for the sum stated above is within the knowledge of affiant, just and true, that it is due and unpaid, and that all just and lawful offsets, payments and credits have been allowed.

  
G. David Westfall

SUBSCRIBED AND SWORN to before me on this the 4<sup>th</sup> day of Sept, 2001, to certify which witness my hand and seal of office.

  
Notary Public, State of Texas

