

CAUSE NO. C2018-1576B

Douglas Walter Kirk	§	IN THE DISTRICT COURT
	§	
Vs.	§	
	§	207 th JUDICIAL DISTRICT
Comal Appraisal District	§	
	§	
	§	
	§	COMAL COUNTY, TEXAS

PLAINTIFF’S FIRST SET OF INTERROGATORIES

Comes now Douglas Walter Kirk, seeking RESPONSE from DEFENDANT regarding these interrogatories.

Fully comprehend that you, the Defendant in this cause, is hereby obligated, pursuant to the provisions of TEX. R. CIV. P. 197, to serve upon the undersigned Plaintiff for the party propounding the same, its answers in writing under oath as specified in TEX. R. CIV. P. 197, to the interrogatories delineated beneath.

INSTRUCTIONS AND DEFINITIONS OF TERMS

- A. The term “lawsuit” means any and all claims or causes of action presently filed in the above-captioned cause or known to you.
- B. The term “subject property” means the real property which is the subject of this lawsuit.
- C. Your attention is specifically directed to the provisions of the Rules of Civil

Procedure including, but not limited to, Rule 193.5, pertaining to your duty to supplement answers to interrogatories. Upon the occurrence of any of the events or contingencies giving rise to such duty to supplement, the Defendant herein makes demand upon you to supplement the answers hereto as necessary.

D. The words “describe”, “identify”, “explain”, or “state”, when used herein, mean to detail fully and completely all the discoverable information pertaining to this cause which concerns or is relevant to the inquiry being made.

E. To identify a person means to state the person’s full legal name, his or her business address, his or her business telephone number, and his or her job title.

F. To identify a document means to state the type of document, title of the document, its date, its author and the identity of the persons with possession and control of the document.

G. The term “expert” means any expert witness or appraiser who the Defendant may not call to testify at the trial, but whose opinions or impressions were reviewed by a testifying expert witness. This discovery does not seek documents prepared by testifying or purely consulting experts retained by the Defendant and prepared in anticipation of, or in conjunction with, this litigation.

H. Any references to the Defendant herein shall include all employees, officers and agents of the Defendant, or any independent appraiser or contractor engaged by the

Defendant.

I. The term “appraisal ratio” has the meaning stated in § 1.12(b) TEX. PROP. TAX CODE.

J. The term “median level of appraisal” has the meaning stated in § 1.12 TEX. PROP. TAX CODE.

K. Any reference to the “Plaintiff” includes all Plaintiffs if there is more than one.

L. Any reference to the “Defendant” includes all responding Defendants if there is more than one Defendant.

INTERROGATORY NO. 1:

Refer to Exhibit 1 as attached to answer the following: Explain the meaning of each and every abbreviation, acronym or other term which appears on either of the two pages which are not in correctly spelled full English words.

INTERROGATORY NO. 2:

Refer to Exhibit 1 as attached to answer the following: For each numerical value which appears on either of the two pages, explain how each number was determined as well as what it means along with universally acceptable units of measure.

INTERROGATORY NO. 3:

Describe how Defendant's previously offered comparables, Property ID Numbers 38132, 60796 and 32610 are similar to one another, how they are different from one another as well as how each is similar to and different from the property subject this lawsuit.

INTERROGATORY NO. 4:

Describe in detail with methods and procedures, how any and all absolute market values listed in Exhibit 1 were determined.

INTERROGATORY NO. 5:

State market value of the subject property that the Defendant believes to be true, to include the believed market value of the tract of land and each improvement.

INTERROGATORY NO. 6:

Describe in detail, the difference between commercial property and a residential homestead.

INTERROGATORY NO. 7:

Subject the property this lawsuit, when governing, regulating, controlling or taxing under the Texas Tax Code, the Texas Constitution, and/or the United States Constitution, does the Defendant get its authority from the Texas Constitution and does the Defendant consider the Texas Constitution the beginning of the law or a continuance of the pre-existing common law?

INTERROGATORY NO. 8:

Identify all persons who know the absolute value of the property subject this lawsuit, to include each and every employee of the Defendant and every person hired by the Defendant to determine the absolute value.

INTERROGATORY NO. 9:

Describe the method and procedures, in detail, by which each and every employee of the Defendant and every person hired by the Defendant, determined the absolute value of the property subject this lawsuit, if an absolute value has been determined by any/and/or all of these persons.

INTERROGATORY NO. 10:

If an absolute value of the property subject this lawsuit has not yet been determined by any/and/or all of the persons described herein, but the Defendant does plan to make said absolute determination, describe the method and procedures, in detail, by which each and every employee of the Defendant and every person hired by the Defendant, intends to determine the absolute value of the property subject this lawsuit, if any/and/or all persons is/are to make a determination.

INTERROGATORY NO. 11:

Describe each appraisal of the subject property or any part of the subject property

at any time since the January 1 five years prior to the earliest valuation date in issue, specifying the value determined by the appraisal and identifying the persons who performed the appraisal, the persons or entities to whom copies of the appraisal were furnished and the date of the appraisal.

INTERROGATORY NO. 12:

Describe, in detail, how the property subject this lawsuit is being taxed equally with other property in the State of Texas, giving specific examples.

INTERROGATORY NO. 13:

Describe, in detail, how the property subject this lawsuit is being taxed uniformly with other property in the State of Texas, giving specific examples.

INTERROGATORY NO. 14:

Describe in detail each and every improvement that occurred on the property subject this lawsuit between the Defendant's valuation of 2017 and the Defendant's valuation of 2018.

INTERROGATORY NO. 15:

Explain in detail how guessing at the value of the property subject this lawsuit is constitutional under the Texas Constitution.

INTERROGATORY NO. 16:

Explain in detail how guessing at the value of the property subject this lawsuit is in

compliance with the Texas Property Tax Code.

INTERROGATORY NO. 17:

Explain in detail how the property subject this lawsuit can be taxed under the Texas Constitution, Article 8 Section 1 (a), absent a determination of the absolute value of the property subject this lawsuit.

INTERROGATORY NO. 18:

Explain in detail how the absolute value of the property offered in comparison to the property subject this lawsuit was determined. (The comparables offered by the Defendant were Defendant's Property ID Numbers 38132, 60796 and 32610.)

INTERROGATORY NO. 19:

Describe each communication, oral or written, between any employee of the Defendant and any other employee of the Defendant, or any other party, specifying the date of the communication, the individuals involved, the substance of the communication and whether the communication was by telephone, in person, by letter, etc. You may limit your response to those communications which concern the subject property of this lawsuit, or the Plaintiff of this lawsuit.

INTERROGATORY NO. 20:

Identify each person who the Defendant will call as a witness at any hearing or trial in this litigation and describe the type of knowledge relevant to this litigation

possessed by each such person.

INTERROGATORY NO. 21:

Identify all experts who may not be called to testify but whose work product forms a part of the basis for the opinions of any testifying expert.

INTERROGATORY NO. 22:

Please identify by owner, account number, and by year to which the comparison is made, any property which the Defendant contends is comparable to the subject property. For each of those properties, and for each year applicable, please identify any adjustments to the appraised value of those properties which the Defendant contends would be appropriate for a comparison of those values to the value of the subject property. Please also identify the median appraised value of the allegedly comparable properties appropriately adjusted per year in contention. Please identify any special characteristic of each of the alleged comparable properties which may necessitate an adjustment to value thereof for comparison to the subject property. Please also state the market value of the purported comparable properties and the information leading to that conclusion of value. Please identify any sales prices of the alleged comparable property taking place at any time since the January 1 five years earlier than the earliest tax year in issue herein.

INTERROGATORY NO. 23:

If the appraisal ratio of the subject property or the appraisal ratio of any part or the whole of the subject property has been compared to the median level of appraisal of (1) a reasonable and representative sample of other properties in the jurisdiction of the Defendant, or (2) a sample of properties in the jurisdiction of the Defendant consisting of a reasonable number of other properties similarly situated to or of the same general kind or character as the subject property, then provide the following information:

- (a) the identity of each property considered for use in the sample;
- (b) the identity of each property actually used in the sample;
- (c) the market value of each property considered for use in the sample;
- (d) the manner in which the market value of each property was determined, including each appraisal method considered, each calculation performed, each figure used in the valuation process, and the origin or basis of each such figure;
- (e) an identification of each appraisal of property used in the sample, including the identity of the property appraised, the identity of the appraiser, the date of the appraisal and the appraised value; and
- (f) the manner in which the median level of appraisal of the sample was determined.

INTERROGATORY NO. 24:

For each expert and fact witness which the Defendant has identified, please state all facts known to you which would enhance or disparage the witness's or the business of that witness's professional reputation, veracity, or accuracy or which the Defendant may use to impeach that witness. Please specifically state any facts known to you to indicate whether the opinions rendered or facts related by any of them are accurate or inaccurate, and what, if any, business or professional complaints against any of them are known to you. Identify the party lodging such a complaint, the date and stated reason for the complaint.

INTERROGATORY NO. 25:

Describe the general substance of the mental impressions, if known, and opinions, if known, of any person who may testify on your behalf as a witness, other than a testifying expert witness in this cause, and a brief summary of the basis for them.

Respectfully Submitted,

By _____
Douglas Walter Kirk, *pro se*
1850 Old Sattler Road
Canyon Lake, Texas 78130
Telephone: (830) 237-7313
E-mail: dougkirk@gvvc.com

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CERTIFICATE OF SERVICE

I hereby certify that pursuant to the Texas Rules of Civil Procedure on this the _____ day of May, 2019, a true and correct copy of the foregoing has been served via certified mail (70182290000166284835) on Defendant Comal Appraisal District, 900 South Seguin Avenue, New Braunfels, Texas, 78130 through its attorney Kirk Swinney (State Bar No. 19588400) at Low Swinney Evans & James, PLLC, 623 S. Baker Cir., Leander, Texas 78641, Phone (512) 379 5800.

By _____
Douglas Walter Kirk, *pro se*
1850 Old Sattler Road
Canyon Lake, Texas 78130

Telephone: (830) 237-7313
E-mail: dougkirk@gvvc.com

Douglas Kirk
1850 Old Sattler Road
Canyon Lake, Texas 78132
(830) 237-7313
dougkirk@gvtc.com

May 22, 2019

Subject: Plaintiff's First Set of Interrogatories NO. C2018-1576B
Plaintiff's Request for Disclosures
Plaintiff's First Request for Production and Inspection.

Kirk Swinney (State Bar No. 19588400)
Low Swinney Evans & James, PLLC
623 S. Baker Cir.
Leander, Texas 78641

Phone (512) 379 5800

Dear Mr. Swinney:

Enclosed please find Plaintiff's First Set of Interrogatories, Plaintiff's Request for Disclosures, and Plaintiff's First Request for Production and Inspection relative to Cause No. C2018-1576B.

Please do not hesitate to send me an email if you have any questions.

Thank you.

Sincerely,

Douglas Kirk