

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JAN 15 2021

In Re:

§

Clerk of Court

§

Garden Oaks Maintenance
Organization, Inc (GOMO)
Debtor(s)

§

Case No 18-60018-H2-11

§

§

Chapter 7

**Response of Diego Martinez and Rebecca Martinez (Murray) to the objection to claim
#451 [Docket Entry No. 237]**

Diego Martinez and Rebecca Martinez (Murray), General Unsecured Creditors, state:

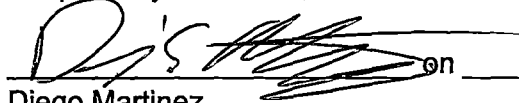
1. This proceeding is confusing to us as claimants.
2. We admit paragraphs 1,2,3,4, and 5.
3. We deny paragraph 6. Claim #451 is an *Amendment* to Claim #290. Amended Claim #451 clearly states the amendment on the official form 410, box #4. In addition, the attachments to Amended Claim #451 also clearly state the revisions to the original Claim #290. The claimant names, address, amount and closing statement remain the same.
4. We only have one claim as general unsecured creditors in the amount of \$1,417.50. We do not have two claims for the same amount.
5. Claim #290 was filed by us on August 24, 2018.
6. On June 2, 2020, Counsel for the Trustee filed his Omnibus Objection to Claim #290, Docket Entry #166, stating that Claim #290 did not include a legal basis and should be denied by the Court.
7. On July 29, 2020, the scheduled court hearing regarding the Omnibus Objection, Docket Entry #166, began but the Court granted claimants additional time to either amend their claims or seek counsel. The hearing was then rescheduled for August 13, 2020.
8. After the hearing on July 29, 2020, and in order to correct this alleged deficiency in our original Claim #290, we then filed an Amended Claim #451 on August 7, 2020.
9. As a courtesy, recognizing the compressed schedule, we emailed the Trustee and Counsel the Amended Claim document on August 10, 2020, which can be seen as


Attachment 1. In addition, Diego Martinez called and spoke with Trustee's Counsel on August 11, 2020 regarding the Amended Claim.

10. On August 13, 2020, this Court held a hearing on the Trustees Omnibus Objection, Docket Entry #166, and heard from several attorneys and individuals, including Diego Martinez. Attorneys for the different parties and some individuals made several different arguments. In the end a "*money-had-and-received*" argument was adopted and incorporated by all claimants present. The adoption and amendment of all the participating claimants is given in paragraph 5 of Docket Entry #211. The Court then overruled the Omnibus Objection and ruled that those parties listed in the schedule attached to Docket Entry #211 were to be approved as general unsecured creditors.
11. The Court's order in Docket Entry #211 basically, a) overruled the Omnibus Objection as to those parties that appeared, b) ordered that our claim be allowed in the amount of \$1,417.50 as general unsecured creditors, and c) that any claims/defenses stated in the Omnibus Objection be preserved as to any claims OTHER than those listed in the attached schedule. We are unsure if the Court was referring to our original Claim #290 or Amended Claim #451.
12. We object to the request in paragraph 7. We do not really understand the necessity for this objection to Claim #451. Since Amended Claim #451 was filed before the second court hearing on August 13, 2020, and directly provided to Trustee and Counsel via email. The legal basis provided in Amended Claim #451 supports the "*money-had-and-received*" adopted by all participating claimants and as accepted by this Court. Amended Claim #451 more clearly states the record that was before this Court on August 13, 2020. We would also like to preserve the legal basis stated in Amended Claim #451 in case that may somehow become an issue at some future date in this bankruptcy case.
13. If there is some administrative reason, unknown to us, that Claim #290 must be used, then we ask that the Court order the contents of both claims be merged, or that where Claim #290 is listed in the schedule in Docket Entry #211, that it instead be listed as Claim #290, as amended by Claim #451.

14. Diego Martinez and Rebecca Martinez (Murray) are husband and wife. Murray corresponds to Rebecca's maiden name. The Murray surname appears on the closing statement from the title company because we were not yet married when we purchased our home in Garden Oaks Section 1, which we still reside in. Regardless of the claim number adopted by the Court, we ask the Court to rule that Rebecca Martinez and Rebecca Murray are the same person in this proceeding, and that the name in the schedule included within Docket Entry #211 be corrected and all future pleadings identify the claimants as Diego Martinez and Rebecca Martinez.


Respectfully submitted,

 on 1/15/21
Diego Martinez

 on 1/15/2021
Rebecca Martinez

Certificate of Service

I hereby certify that a true and correct copy of the foregoing response was mailed to Johnie Patterson, P.O. Box 61301, Houston, Texas, 77208, by first class mail on January 15, 2021.

 on 1/15/21
Diego Martinez


Attachment 1

Email from Diego Martinez to Trustee and Counsel on August 10, 2020.

Diego Martinez <demartinez1979@hotmail.com>

Mon 8/10/2020 8:49 AM

To: jjp@walkerandpatterson.com <jjp@walkerandpatterson.com>; rww@bymanlaw.com <rww@bymanlaw.com>

 1 attachments (4 MB)

Case 18-60018_Form 410_Martinez_20200806 SIGNED.pdf;

Good Morning Trustee Williams and Mr. Patterson,

On Friday, August 7th 2020, the attached amended claim was filed with the court regarding GOMO bankruptcy Case 18-60018, chapter 7.

I'm emailing you the document as a courtesy in advance of the upcoming hearing on August 13th 2020 at 230pm.

During the hearing on 7/29/20, Honorable Judge Jones continued the hearing until August 13th 2020 to allow claimants who had responded to your omnibus objection, to either seek additional representation or to allow them time to amend their claims. I have amended my claim on my own. Please see attached.

If you have any questions, feel free to contact me.

Best Regards,
Diego Martinez
cell 281 630 0879
demartinez1979@hotmail.com