

CAUSE NO. D-1-GN-18-007069

TURNQUIST PARTNERS REALTORS,
INC. d/b/a ENGEL & VÖLKERS
AUSTIN,

Plaintiff,

vs.

ROBERT TURNER AND ITCOA, L.L.C.
d/b/a INDEPENDENCE TITLE
COMPANY

Defendants.

IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

ROBERT TURNER,

Counter-Plaintiff

vs.

TURNQUIST PARTNERS REALTORS,
INC. d/b/a ENGEL & VÖLKERS
AUSTIN,

Counter-Defendant

419TH JUDICIAL DISTRICT

**PLAINTIFF/COUNTER-DEFENDANT'S ORIGINAL ANSWER TO
DEFENDANT/COUNTER-PLAINTIFF SECURED LAND TRANSFER, LLC'S
ORIGINAL COUNTERCLAIM**

Now Comes Turnquist Partners Realtors, Inc. d/b/a Engel & Völkers Austin, and files this Original Answer to Defendant/Counter-Plaintiff, Secured Land Transfer, LLC's Original Counterclaim and in support states as follow:

A. GENERAL DENIAL

1. As authorized by Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff/Counter-Defendant Turnquist Partners Realtors, Inc. d/b/a Engel & Völkers Austin, generally denies the allegations contained in Defendant/Counter-Plaintiff's Original Counterclaim and respectfully requests that the Defendant/Counter-Plaintiff be required to prove the charges and allegations against them by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas.

B. AFFIRMATIVE DEFENSES

2. Plaintiff/Counter-Defendant Turnquist Partners Realtors, Inc. d/b/a Engel & Völkers Austin pleads the following affirmative defenses:

- a. Judicial estoppel;
- b. Equitable estoppel;
- c. Waiver; and
- d. In the alternative, no action for fees may be asserted against a non-signatory to an agreement.

C. PRAYER

3. WHEREFORE, PREMISES CONSIDERED, Plaintiff/Counter-Defendant Turnquist Partners Realtors, Inc. d/b/a Engel & Völkers Austin prays that upon proper hearing of evidence this Court:

- a. Dismiss Defendant/Counter-Plaintiff's suit and/or order that Defendant/Counter-Plaintiff takes nothing as against Plaintiff/Counter-Defendant Turnquist Partners Realtors, Inc. d/b/a Engel & Völkers Austin;
 - b. Order that all costs of suit be taxed against Defendant/Counter-Plaintiff;
- and

- c. Award Plaintiff/Counter-Defendant Turnquist Partners Realtors, Inc. d/b/a Engel & Völkers Austin such other and further relief as may be just in equity or law.

Respectfully Submitted,

COATS | ROSE, P.C.

By: 

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**ATTORNEYS FOR PLAINTIFF / COUNTER-
DEFENDANT**

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the above document was served on the following counsel(s) of record and/or individual(s) in accordance with TEX. R. CIV. P. 21a via the method indicated for each on the 28th day of February, 2020.

Counsel for Defendant/Counter-Plaintiff

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