

Joshua N. Eppich
Texas Bar I.D. No. 24050567
J. Robertson Clarke
Texas Bar I.D. No. 24108098
C. Joshua Osborne
Texas Bar I.D. No. 24065856
Bryan C. Assink
Texas Bar I.D. No. 24089009
BONDS ELLIS EPPICH SCHAFFER JONES LLP
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102
(817) 405-6900 telephone
(817) 405-6902 facsimile
Email: joshua@bondsellis.com
Email: robbie.clarke@bondsellis.com
Email: c.joshosborne@bondsellis.com
Email: bryan.assink@bondsellis.com

**PROPOSED COUNSEL FOR
DEBTOR AND DEBTOR-IN-POSSESSION**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:	§	CHAPTER 11
	§	
NAVARRO PECAN COMPANY, INC.,	§	CASE NO. 23-40266-elm11
	§	
Debtor. ¹	§	
	§	
<hr/>		
NAVARRO PECAN COMPANY, INC.,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adv. Proc. No. ____ - ____
	§	
NAVARRO CENTRAL APPRAISAL	§	
DISTRICT,	§	
	§	
Defendant.	§	

¹ The Debtor's principal address is 4200 South Hulen Street, Suite 680, Fort Worth, Texas 76109. The Debtor's facilities are located at 2131 East Highway 31, Corsicana, Texas 75109.

NOTICE OF REMOVAL

The above-captioned debtor and debtor-in-possession (the “**Debtor**”), by and through its undersigned proposed counsel, pursuant to 28 U.S.C. § 1452(a), Rule 9027 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Local Rule 9027-1 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the “**Local Rules**”), hereby files this *Notice of Removal* removing Cause Number D49717-TX, styled as *Navarro Pecan Company, Inc. v. Navarro Central Appraisal District* (the “**Tax Litigation**”) from the 13th Judicial District of the District Court of Navarro County, Texas (the “**State Court**”), to the United States Bankruptcy Court for the Northern District of Texas (the “**Bankruptcy Court**”).

I. BACKGROUND

1. The Tax Litigation is between the Debtor and the Navarro Central Appraisal District (the “**Defendant**”) regarding certain tax liability assessed on the Debtor’s personal property.

2. The subject property is described as personal property located at 2131 E. State Hwy 31, Corsicana, Texas, and is further identified by the Defendant as account number 99000400006375 and property ID number 10640 (the “**Property**”).

3. On approximately May 1, 2022, the Defendant notified the Debtor of the value of the Property had been appraised for 2022 at \$31,495,000.

4. The Debtor timely filed a notice of protest (the “**Protest**”) with respect to the appraised value of the Property with the Appraisal Review Board of Navarro County (the “**Review Board**”). The Debtor believed that the Property was significantly overvalued.

5. The Review Board subsequently determined that the valuation was too high and found that the appraised value of the Property should be \$25,399,720.

6. The Debtor believed the Review Board's appraised value was also excessive. Accordingly, prior to the expiration of the relevant state law period to seek judicial adjudication, the Debtor sought the State Court's *de novo* review of the Review Board's finding. While the Debtor was awaiting the State Court's adjudication of the Tax Litigation, the Debtor initiated this Chapter 11 case.

II. BASIS FOR REMOVAL

7. "A party may remove any claim or cause of action . . . to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of [Title 28 of the United States Code]." 28 U.S.C. § 1452(a). In turn, the district courts shall have original jurisdiction over all civil proceedings "arising under title 11, or arising in or related to cases under [Title 11 of the United State Code]." 28 U.S.C. § 1334(b). Per the District Court's Miscellaneous Order No. 33, *Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc*, dated August 3, 1984, "any or all proceedings . . . related to a case under Title 11 . . . filed in this district . . . are referred to the Bankruptcy Judges of this district for consideration and resolution consistent with law." Local Rule 9027-1(a) then provides that "[a] removed claim or cause of action related to a bankruptcy case shall be filed in the bankruptcy court as an adversary proceeding and assigned directly to a bankruptcy judge."

8. The determination of the Tax Litigation will invoke a number of core proceedings under 28 U.S.C. § 157(b)(2) that arise under Title 11, including, but not limited to, matters concerning the administration of the estate; the allowance or disallowance of a claim against the estate; and other proceedings affecting the liquidation of assets of the estate (which relate,

respectively, to 28 U.S.C. §§ 157(b)(2)(A), (B), and (O)). The Court has jurisdiction over the Tax Litigation pursuant to 28 U.S.C. § 1334(b) and this removal is proper.

9. Alternatively, “a proceeding properly invokes federal ‘related to’ jurisdiction [if] the outcome of the proceeding could conceivably affect that estate being administered in bankruptcy.” *In re TXNB Internal Case*, 483 F.3d 292, 298 (5th Cir. 2007). “Certainty” that the outcome of the proceeding will affect the estate “is unnecessary.” *Id.* Rather, “an action is ‘related to’ bankruptcy if the outcome could alter, positively or negatively, the debtor’s rights, liabilities, options, or freedom of action or could influence the administration of the bankrupt estate.” *Id.*; *Lone Star Fund (U.S.), L.P. v. Barclays Bank PLC*, 594 F.3d 383, 386 (5th Cir. 2010); *Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC*, No. 3:08-CV-0261-L, 2008 WL 4449508, at *3 (N.D. Tex. Sept. 30, 2008).

10. Here, the Court has, at a minimum, “related to” jurisdiction over the Tax Litigation because its outcome—the amount the Debtor owes on a tax liability—will significantly affect the administration of the Debtor’s Chapter 11 case and assets available to creditors.

III. OTHER PROCEDURAL REQUIREMENTS

11. This is the proper Court for the Debtor to remove the Tax Litigation to because this Court is the bankruptcy court for the district where the Tax Litigation is pending. *See* 28 U.S.C. § 1452; Fed. R. Bankr. P. 9027(a)(1).

12. Removal of the Tax Litigation is timely because the Debtor filed this Notice of Removal within 90 days after the entry of the order for relief in this Chapter 11 case. *See* Fed. R.

Bankr. P. 9027(a)(2) (providing for 90-day deadline for removal of actions in addition to other potential deadlines not applicable here).

13. After promptly filing this Notice of Removal, the Debtor will provide written notice to the other parties involved in the Tax Litigation of the filing of this Notice of Removal. The Debtor will also file a copy of the Notice of Removal with the clerk of the 13th Judicial District of the District Court of Navarro County, Texas. *See* Fed. R. Bankr. P. 9027(c).

14. An index identifying copies of all process, pleadings, and documents in the Tax Litigation is attached to this Notice of Removal as **Exhibit A**, as required by Federal Rule of Bankruptcy Procedure 9027(a)(1) and Local Rule 9027-1(c). The corresponding documents are attached thereto as **Exhibits 1–4**.

15. As required by Bankruptcy Rule 9027(a)(1), the Debtor states that it consents to entry of final orders or judgment by the Court.

IV. CONCLUSION

16. The Debtor hereby provides notice that the Tax Litigation is removed from the 13th Judicial District of the District Court of Navarro County, Texas, to the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division under 28 U.S.C. § 1452(a).

Dated: February 24, 2023

Respectfully Submitted,

/s/ Joshua N. Eppich

Joshua N. Eppich

Texas Bar I.D. No. 24050567

J. Robertson Clarke

Texas Bar I.D. No. 24108098

C. Joshua Osborne

Texas Bar I.D. No. 24065856

Bryan C. Assink

Texas Bar I.D. No. 24089009

BONDS ELLIS EPPICH SCHAFFER JONES LLP

420 Throckmorton Street, Suite 1000

Fort Worth, Texas 76102

(817) 405-6900 telephone

(817) 405-6902 facsimile

Email: joshua@bondsellis.com

Email: robbie.clarke@bondsellis.com

Email: c.joshosborne@bondsellis.com

Email: bryan.assink@bondsellis.com

**PROPOSED COUNSEL FOR DEBTOR AND
DEBTOR-IN-POSSESSION**

CERTIFICATE OF SERVICE

I certify that on February 24, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas. Further, I certify that on February 24, 2023, a true and correct copy of the foregoing will be served via first-class mail to:

Navarro Central Appraisal District
c/o Ryan L. James
623 S Baker Cir
Leander, TX 78641-9713

Linebarger Goggan Blair & Sampson, LLP
Attn: John K. Turner
2777 N. Stemmons Freeway, Suite 1000
Dallas, TX 75207

/s/ Joshua N. Eppich

Joshua N. Eppich

EXHIBIT A

Index of Tax Litigation

Navarro Pecan Company, Inc. v. Navarro Central Appraisal District		
Number	Pleading	File Date
<u>Ex. 1</u>	<i>Plaintiff's Original Petition for Review of Appraisal Review Board Order</i>	9/16/2022
<u>Ex. 2</u>	<i>Defendant's Original Answer</i>	10/5/2022
<u>Ex. 3</u>	<i>Request</i>	11/10/2022
<u>Ex. 4</u>	<i>Rule 11 Schedule Agreement</i>	1/12/2022

EXHIBIT 1

Plaintiff's Original Petition for Review of Appraisal Review Board Order

NO. D49717-TX

NAVARRO PECAN COMPANY, INC.,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
vs.	§	NAVARRO COUNTY, TEXAS
	§	
NAVARRO CENTRAL APPRAISAL	§	
DISTRICT,	§	
	§	
Defendant.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION FOR REVIEW
OF APPRAISAL REVIEW BOARD ORDER**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff, Navarro Pecan Company, Inc., complains of Defendant, Navarro Central Appraisal District, and would show the Court the following:

1. Plaintiff intends that discovery in this case be conducted under Level 3. Tex. R. Civ. P. 190.4.
2. Plaintiff is the owner, lessee or operator of personal property located in Navarro County, Texas, and listed on the Navarro Central Appraisal District's appraisal roll.
3. Defendant is located in Navarro County, Texas, is duly organized and is acting pursuant to the laws of Texas. Defendant may be served with process by serving its Chief Appraiser, Bud Black, 1250 N. 45th St., Corsicana, Texas 75110.
4. The property owned by Plaintiff, which is the subject of this cause, is described as personal property located at 2131 E. State Hwy 31, Corsicana, Texas and is further identified by Defendant as account number 99000400006375 and property ID number 10640 (the "Property").

5. On or about May 1, 2022, Plaintiff was notified by Defendant that the value of the Property had been appraised at 31,495,000 for 2022.

6. Plaintiff timely filed with the Appraisal Review Board of Navarro County a notice of protest of the valuation given the Property by the Chief Appraiser because the determination of the appraised value of the Property was excessive and unequal in comparison with other similar property in the appraisal district. Thereafter, the Appraisal Review Board of Navarro County determined the protest, and made its order in which the appraised value of the Property was determined to be \$25,399,720 for 2022. Plaintiff appeals the order, a copy of which is attached to and incorporated into this petition as Exhibit "A", to this Court.

7. The Appraisal Review Board of Navarro County transmitted to Plaintiff the notice of issuance of the order.

8. All conditions precedent to a trial *de novo* before this Court have been performed or have occurred. All administrative remedies have been exhausted and the agency decision is final and appealable. Therefore, Plaintiff is entitled to a trial *de novo* of the Board's order.

9. The correct appraised value of the Property as of January 1, 2022 is substantially below the value determined by the Appraisal Review Board of Navarro County.

10. The Property's appraised value exceeds the median appraised value of a reasonable number of comparable properties appropriately adjusted. Plaintiff requests that the Court reduce the Property's appraised value on the district's appraisal roll for tax year 2022, as authorized by §§ 42.24 and 42.26 of the Texas Property Tax Code.

11. The levying of a tax on the Property based on the incorrect valuation is excessive and unequal and will cause injury to the Plaintiff.

12. Plaintiff has been forced to retain counsel to pursue its remedies against Defendant.

Prayer

Plaintiff, Navarro Pecan Company, Inc., prays that on final determination hereof, the Court render judgment:

1. Fixing the appraised value of the Property in accordance with the requirement of law pursuant to Texas Property Tax Code § 42.24(1);
2. Determining that the appraised value of the Property according to the appraisal roll exceeds the appraised value required by law and ordering that Plaintiff is entitled to a reduction of the appraised value on the appraisal roll pursuant to Texas Property Tax Code § 42.25;
3. Determining that the Property is appraised unequally in comparison to the appraisal of other property in the appraisal district and ordering the appraised value changed to the value as calculated pursuant to Texas Property Tax Code § 42.26;
4. Entering the orders necessary to ensure equal treatment under the law for Plaintiff pursuant to Texas Property Tax Code § 42.24(2);
5. Awarding Plaintiff all costs incurred in this appeal pursuant to Texas Property Tax Code § 42.07;
6. Awarding Plaintiff reimbursement for reasonable attorney's fees from Defendant pursuant to Texas Property Tax Code § 42.29; and
7. Entering other orders necessary to preserve rights protected by and impose duties required by the law pursuant to Texas Property Tax Code § 42.24(3).

Respectfully submitted,

BLACKWELL & DUNCAN, PLLC
500 N. Central Expressway, Suite 427
Plano, Texas 75074
(214) 380-2810
(214) 380-2811

By: 
Melinda D. Blackwell
State Bar No. 02408400
Blackwell@txproptax.com
Rick L. Duncan
State Bar No. 24013891
Duncan@txproptax.com

ATTORNEYS FOR PLAINTIFF

TA-221
(11-18/14)

ORDER DETERMINING PROTEST

Appraisal Review Board for:
NAVARRO CENTRAL APPRAISAL DISTRICT
1250 N 45TH ST

CORSICANA, TX 75110

105686
TAX ADVISORS GROUP INC
PO BOX 671287

DALLAS, TX 75367

Appraisal Review Board
NAVARRO CENTRAL APPRAISAL DISTRICT

Account #: 99000400006375

Case #: 2022-3957

Prop ID: 10640

Legal Desc: INVENTORY

RECEIVED

JUL 25 2022

BY TAX ADVISORS GROUP

ORDER DETERMINING PROTEST

On July 18, 2022, the Appraisal Review Board of NAVARRO County, Texas, heard the protest of TAX ADVISORS GROUP INC concerning the appraisal records for tax year 2022.

The Board delivered proper notice of the date, time, and place of the hearing. The property owner or agent and the chief appraiser of the appraisal district were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the Board has determined that the protest concerned the following action(s) permitted by Section 41.41(a), Tax Code:

Q01 (Incorrect appraised (market) value)

Q02 (Value is unequal compared with other properties)

Based on the evidence, the ARB makes the following determination(s):

The appraisal records are not correct and should be changed.

Appraiser Assigned Value: \$31,495,000

ARB Assigned Market: \$

ARB Assigned Equity: \$

If an ARB determination is not shown for a protested issue, it was withdrawn before or during the protest hearing.

The Appraisal Review Board therefore ORDERS that:

The chief appraiser shall make changes to the appraisal records concerning this property and the values shall remain as follows:

	ARB Submitted**	Final Values*
PERSONAL PROPERTY VALUE:	31495000	25399720
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

*If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

** as shown in the appraisal records submitted to the board by the chief appraiser under Section 25.22 or 25.23



EXHIBIT 2

Defendant's Original Answer

CAUSE NO. D49717-TX

NAVARRO PECAN COMPANY, INC.,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	NAVARRO COUNTY, TEXAS
NAVARRO CENTRAL APPRAISAL	§	
DISTRICT,	§	
	§	
Defendant.	§	13TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

NOW COMES the Defendant, the Navarro Central Appraisal District, and files this answer to the Plaintiff's Original Petition. The Defendant would show the Court the following:

I.

The Defendant denies, generally and singularly each and every allegation asserted against it by the Plaintiff, and demands strict proof thereof by a preponderance of the credible evidence.

II.

The name and address of the Defendant is as follows: Navarro Central Appraisal District, 1250 N. 45th St., Corsicana, Texas 75110.

WHEREFORE the Defendant requests that the Plaintiff take nothing by this action, that all costs be taxed against the Plaintiff, and that the Defendant have such other and further relief to which it may be justly entitled.

Respectfully submitted,

LOW SWINNEY EVANS & JAMES, PLLC
623 S. Baker Cir.
Leander, Texas 78641
Phone (512) 379-5800
Fax (512) 367-5932

By: /s/ Ryan L. James

Ryan L. James
State Bar No. 24078731
rjames@lsejlaw.com
Marjorie I. Bachman
State Bar No. 24044910
mbachman@lsejlaw.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been electronically served on the following counsel of record in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on this the 5th day of October, 2022:

BLACKWELL & DUNCAN, PLLC
Melinda D. Blackwell
blackwell@txproptax.com

/s/ Marjorie Bachman
Marjorie Bachman

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.

Marjorie Bachman on behalf of Ryan James

Bar No. 24078731

mbachman@lsejlaw.com

Envelope ID: 68947017

Status as of 10/6/2022 8:13 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Melinda Blackwell		blackwell@txproptax.com	10/5/2022 7:14:06 PM	SENT
Ryan James		rjames@lsejlaw.com	10/5/2022 7:14:06 PM	SENT

EXHIBIT 3

Request

5858 Westheimer #708
Houston Tx. 77057
Phone: 713-621-2096
Fax: 713-621-2097

Filed 11/10/2022 11:06 AM
Joshua B. Tackett
District Clerk
Navarro County, Texas

Residential Services, L.P.

REQUEST

To: NAVARRO DISTRICT CLERK

From: LARRY CANTU

Fax:

Date: 11//10/2022

Phone:

Pages:

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

REQUEST: NEED REGULAR COPIES OF THE ORIGINAL PETITION IN CAUSE NO. D49717-TX FOR NAVARRO PECAN CO (5 PGS) PER CLERK, PLEASE EMAIL THE COPIES LCANTU@RSIDOCs.COM

THANK YOU,
LARRY CANTU

281 513-7480

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.

Envelope ID: 70057524
Status as of 11/10/2022 11:59 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan James		rjames@lsejlaw.com	11/10/2022 11:46:33 AM	SENT
Melinda Blackwell		blackwell@txproptax.com	11/10/2022 11:46:33 AM	SENT

EXHIBIT 4

Rule 11 Schedule Agreement

CAUSE NO. D49717-TX

NAVARRO PECAN COMPANY, INC.,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	NAVARRO COUNTY, TEXAS
	§	
	§	
NAVARRO CENTRAL APPRAISAL	§	
DISTRICT,	§	
	§	
Defendant.	§	13TH JUDICIAL DISTRICT

RULE 11 SCHEDULING AGREEMENT

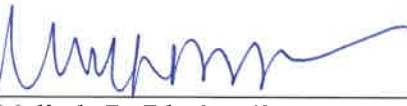
Upon agreement of the parties, the following deadlines and directions shall govern this case. Any discovery deadline not specified herein shall be governed by the Texas Rules of Civil Procedure applicable to the discovery level in this case:

1. Deadline to amend pleadings: 30 days prior to trial.
2. The discovery period continues until 30 days prior to trial.
3. Plaintiff must designate testifying expert witnesses and provide the information required by Rule 195.5: 90 days prior to trial.
4. Defendant must designate testifying expert witnesses and provide the information required by Rule 195.5: 60 days prior to trial.
5. Deadline for all parties to serve written discovery requests: 60 days prior to trial.
6. Deadline for all parties to supplement responses to written discovery is reasonably promptly but no later than 30 days prior to trial.
7. Deadline for parties to conduct a settlement conference and/or mediation with both parties present: 14 days prior to trial.
8. Deadline to request a jury trial: 90 days prior to trial.

9. Nothing in this agreement shall be construed to prevent a party from seeking relief from the deadlines in this agreement when the interest of justice requires. Thus, each party reserves the right to petition the court for discovery control plan pursuant to TEX. R. CIV. P. 190.4.

AGREED:

BLACKWELL & DUNCAN, PLLC
500 N. Central Expressway, Suite 427
Plano, Texas 75074
Tel : (214) 380-2810
Fax : (214) 380-2811

By: 
Melinda D. Blackwell
State Bar No. 02408400
blackwell@txproptax.com
Rick L. Duncan
State Bar No. 24013891
duncan@txproptax.com

ATTORNEYS FOR PLAINTIFF

LOW SWINNEY EVANS & JAMES, PLLC
1130 Cottonwood Creek Trail, Suite B-1
Cedar Park, Texas 78613
(512) 379-5800
(512) 367-5932 (fax)

By: /s/ Ryan L. James
Ryan L. James
State Bar No. 24078731
rjames@lsejlaw.com
Marjorie I. Bachman
State Bar No. 24044910
mbachman@lsejlaw.com

ATTORNEYS FOR DEFENDANT

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Hilary Chapa on behalf of Ryan James
Bar No. 24078731
hchapa@lsejlaw.com
Envelope ID: 71730827
Status as of 1/12/2023 10:30 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan James		rjames@lsejlaw.com	1/12/2023 10:18:32 AM	SENT
Melinda Blackwell		blackwell@txproptax.com	1/12/2023 10:18:32 AM	SENT

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS <div style="text-align: center;">Navarro Pecan Company, Inc.</div>	DEFENDANTS <div style="text-align: center;">Navarro Central Appraisal District</div>			
ATTORNEYS (Firm Name, Address, and Telephone No.) Bonds Ellis Eppich Schafer Jones LLP 420 Throckmorton Street, Suite 1000, Fort Worth TX 76102 (817)405-6900	ATTORNEYS (If Known) Ryan L. James 623 S. Baker Cir., Leander, TX 78641 (512)379-5800			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) <div style="text-align: center;"> Determination of Tax Liability and Amount Owed 11 U.S.C. § 505 </div>				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Navarro Pecan Company, Inc.		BANKRUPTCY CASE NO. 23-40266-elm11
DISTRICT IN WHICH CASE IS PENDING United States Bankruptcy Court for the Northern District of Texas	DIVISION OFFICE Fort Worth, TX	NAME OF JUDGE Honorable Edward L. Morris
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.