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CAUSE NO. <u>417-04885-2016</u>

CALCO LAND DEVELOPMENT,	§	IN THE DISTRICT COURT
LLC,	§	
Plaintiff,	§	
	§	
	§	
V.	§	417 TH DISTRICT COURT
	§	
	§	
	§	
UNITY RESOURCES, LLC,	§	
MARK THOMAS MERSMAN,	§	
MARK JOSEPH SOLOMON, JR.,	§	
TRADE RARE, LLC, BYRON K.	§	
COOK, and JOEL HOCHBERG,	§	
Defendants.	§	COLLIN COUNTY, TEXAS

DEFENDANTS' ORIGINAL ANSWER AND VERIFIED DENIAL

NOW COME Unity Resources, LLC, Mark Thomas Mersman, and Mark Joseph Solomon, Jr. ("Defendants"), named Defendants in the above-styled and numbered cause, and file this Original Answer and Verified Denial, and show the Court:

I. GENERAL DENIAL

Defendants deny each and every allegation of Plaintiff's Original Petition, and demands strict proof thereof as required by the Texas Rules of Civil Procedure.

II. VERIFIED DENIAL

1. Plaintiff does not have legal capacity to sue for the claims alleged.

2. Plaintiff is not entitled to recover in the capacity in which it sues.

III. AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses:

1. <u>Failure to Mitigate</u>. Plaintiff's recovery is limited by the failure to mitigate damages doctrine.

2. <u>Waiver</u>. Plaintiff's claims are barred by the doctrine of waiver.

3. <u>Estoppel</u>. Plaintiff's claims are barred by the doctrine of promissory estoppel.

IV. PRAYER

Defendants pray the Court, after notice and hearing or trial, enters judgment in favor of Defendants, awards Defendants the costs of court, attorney's fees, and such other and further relief as Defendants may be entitled to in law or in equity.

Respectfully submitted,

ALBIN ROACH, PLLC

By:

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing *Defendants' Original Answer and Verified Denial* has been forward to all counsel and/or parties of record in accordance with Texas Rules of Civil Procedure 21 and 21a, on this the 12th day of December, 2016.

W. Todd Albin

Attorney for Defendants

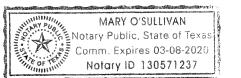
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Defendants.	§	COLLIN COUNTY, TEXAS

VERIFICATION

BEFORE ME, the undersigned authority, personally appeared Mark Thomas Mersman, who being duly sworn, deposed as follows:

"My name is Mark Thomas Mersman. I am at least 18 years of age and of sound mind. I make this Verification in my individual capacity. I am personally acquainted with the facts alleged in Defendants' Original Answer and Verified Denial. I hereby swear that the statements in paragraph II in support of Defendants' Original Answer and Verified Denial are true and correct."



Mark Thomas Mersman

SUBSCRIBED AND SWORN TO BEFORE ME on December 12th, 2016 by Mark Thomas Mersman.

Notary Public, State of Texas