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A SUIT TO DECLARE VOID
THE MARRIAGE OF

GILBERT S. QUIROZ
AND
JANIE SANTANA

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

ORIGINAL PETITION TO DECLARE MARRIAGE VOID

1. *Discovery Level*

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. *Parties*

This suit is brought by GILBERT S. QUIROZ, Petitioner. The last three numbers of Petitioner's Arizona driver's license number are 442. The last three numbers of Petitioner's Social Security number are 542.

Respondent is JANIE SANTANA. Respondent has also previously used the names JANIE SANTANA RODRIGUIZ, JANIE SANTANA LARIOS, JANIE SANTANA FARIAS and possibly JANIE URESTI.

3. *Jurisdiction*

The purported marriage of Petitioner and Respondent was contracted in Texas and Respondent is a domiciliary of Texas.

4. *Service*

Process should be served on Respondent at 10023 Valley Lake Drive, Houston, Texas 77078 or wherever she may be found.

5. ***Protective Order Statement***

No protective order under Title 4 of the Texas Family Code is in effect, and no application for a protective order is pending with regard to the parties to this suit.

6. ***Grounds***

Petitioner and Respondent entered into a purported marriage on October 23, 2012 by proxy. Petitioner is in the Air Force (AZ Air National Guard) and is stationed in Tucson, Arizona. He was stationed there on the date of the marriage ceremony by proxy. A marriage license was issued in the name of the parties but was never returned to the Harris County Clerk.

The purported marriage is void and of no effect under the provisions of section 6.202 of the Texas Family Code because Respondent was already legally married and a party to other purported marriages as set out in more detail below. Respondent is currently legally married to at least one of the below described individuals.

A. Respondent was allegedly married to Patrick Rocha on July 15, 1997 according to Respondent's Petition to Declare Marriage Void filed on or about August 31, 1998 in the 245th Judicial District Court of Harris County, Texas (*Cause No. 2000-40096*).

B. Respondent was married to John P. Gonzalez on or about August 31, 1998. **See Exhibit A.**

C. As previously referenced, Respondent petitioned for the marriage to John P. Gonzalez to be voided on the basis that she was already married to Patrick Rocha. The Court signed a Decree of Annulment of the marriage of Respondent and John P. Gonzalez on or about February 22, 2001. (*Cause No. 2000-40096*). **See Exhibit B.**

D. Respondent filed a Motion for New Trial in Harris County Probate Court No. 1, In the Estate of John T. Rodriguez, Deceased, (*Cause No 373,048*) on or about July 5, 2007.

Therein, Respondent claimed to be the common law wife of John T. Rodriguez, who died on June 7, 2007. She claimed to be married to John T. Rodriguez as early as 2002. **See Exhibit C.**

E. Respondent claims in her Second Amended Petition for Divorce to have been common law married to Roberto Larios from 1999 – 2010. **See Exhibit D.** There is a pending action in the 309th Judicial District Court of Harris County, Texas (*Cause No. 2010-02786*). Mr. Larios is seeking to have the marriage declared void based on many of the facts stated herein. No final order has been signed and the status of the marriage and/or divorce is not determined.

F. Respondent was married to Sucre Amaury Diaz on or about December 5, 2009 **See Exhibit E.** During the deposition of Mr. Diaz, taken on December 18, 2012 in connection with *Cause No. 2010-02786*, Mr. Diaz indicated he was still married to Respondent.

G. Respondent purportedly married Petitioner on October 23, 2013 while still legally and/or purportedly married to at least one of the men mentioned herein. **See Exhibit F.**

7. *No Child*

No child was born or adopted of the purported marriage of Petitioner and Respondent, and none is expected.

8. *Property*

The parties during their purported marriage accumulated property that should be divided in an equitable manner by the Court.

9. *Request for Temporary Restraining Order and Temporary Orders*

Petitioner requests the Court to dispense with the issuance of a bond, and Petitioner requests that Respondent be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from:

- A. Communicating with the other party in person, by telephone, or in writing in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.

- B. Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
- C. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication.
- D. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- E. Falsifying any writing or record relating to the property of either party.
- F. Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
- G. Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.
- H. Tampering with the tangible property of one or both of the parties, including any the other party that represents or embodies anything of value, and causing pecuniary loss to the other party.
- I. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of Petitioner or Respondent, whether personalty or realty, and whether separate or community, except as specifically authorized by order of this Court.
- J. Opening or diverting mail addressed to the other party.
- K. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- L. Destroying, disposing of, or altering any financial records of the parties, including but not limited to records from financial institutions (including canceled checks and deposit slips), all records of credit purchases or cash advances, tax returns, and financial statements.
- M. Destroying, disposing of, or altering any e-mail or other electronic data relevant to the subject matters of this case, whether stored on a hard drive or on a diskette or other electronic storage device.
- N. Terminating or in any manner affecting ANY accounts for services or utilities at 10023 Valley Lake Drive, Houston, Texas 77078 that bear Petitioner's name or in

any manner attempting to withdraw any deposits for service in connection with those services.

- O. Contacting Petitioner's employer, commanding officer, or any other third party related to Petitioner's employment with the United States Air Force or Arizona Air National Guard.
- P. Contacting any member of Petitioner's immediate family via telephone, email, text message, or any other means.
- Q. Posting any information or comments relating to this lawsuit and/or Petitioner to any public media website.

10. Request for Permanent Injunctions

Petitioner requests the Court, after notice and hearing, to dispense with the necessity of a bond and issue any appropriate permanent injunctions for the safety and welfare of the parties as deemed necessary and equitable, including but not limited to the following:

- A. Enjoining JANIE SANTANA from Communicating with the other party in person, by telephone, or in writing in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
- B. Enjoining JANIE SANTANA from threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
- C. Enjoining JANIE SANTANA from placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication.
- D. Enjoining JANIE SANTANA from contacting Petitioner's employer, commanding officer, or any other third party related to Petitioner's employment with the United States Air Force or Arizona Air National Guard.
- E. Enjoining JANIE SANTANA from contacting any member of Petitioner's immediate family via telephone, email, text message, or any other means.
- F. Enjoining JANIE SANTANA from posting any information or comments relating to this lawsuit and/or Petitioner to any public media website.

11. Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of the firm of Kerr, Hendershot and

Cannon, P.C., licensed attorneys, to prepare and prosecute this suit. Judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney and be ordered paid directly to Petitioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

12. Prayer

Petitioner prays that Respondent be cited to appear and answer this petition.

Petitioner prays that the Court enter its order declaring void the marriage of Petitioner and Respondent and dividing assets acquired in an equitable manner.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief.

Respectfully submitted,

KERR, HENDERSHOT & CANNON, P.C.

By: 

Simon W. Hendershot, III

State Bar No. 09417200

Lennea M. Cannon

State Bar No. 24045612

Lori C. Blackwell

State Bar No. 24057577

Tamara P. Bibb

State Bar No. 24060373

1800 Bering Drive, Suite 600

Houston, Texas 77057

Telephone (713) 783-3110

Facsimile (713) 783-2809

**ATTORNEYS FOR PETITIONER
GILBERT S. QUIROZ**



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 7, 2023

Certified Document Number: 58146167 Total Pages: 6

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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