

THE STATE OF TEXAS

Civil No: 00004819

Criminal No: 00025930

To any Sheriff or any Constable within the State of Texas--Greeting:

WHEREAS, on the **MARCH 13, 2025 AT 9:00 AM**, in a certain prosecution pending in the County Court of Lavaca County, Texas, Cause No. **00025930**, wherein THE STATE OF TEXAS is plaintiff and **GERARDO ORTIZ** the said Defendant as principal, together with **CASHBOND** as sureties did enter into a **Bail Bond**, payable to the State of Texas in the penal sum **\$1500.00**, **CONDITIONED**, That the said Defendant should make his personal appearance before said Court on the **MARCH 13, 2025 AT 9:00 AM**, then and there to answer the State of Texas upon a charge by **Information**, duly presented in said Court, wherein the said Defendant is charged with the offense of **DRIVING WHILE INTOXICATED BAC >= 0.15** and there remain from day to day and term to term until discharged by due course of law; and, whereas, on the **MARCH 13, 2025 AT 9:00 AM**, before said Court, then in session, said cause was called for trial, and the said **GERARDO ORTIZ** wholly failed to appear and answer said accusation against him, and thereupon the **Bail Bond** of said **GERARDO ORTIZ** was declared forfeited by said Court, and it was ordered, adjudged and decreed by said Court that the State of Texas do have and recover of the said **GERARDO ORTIZ** as principal, the sum of **\$1500.00** and of **CASH BOND** as sureties, the sum of **\$1500.00** each, and it was ordered and adjudged that said judgment should be make final, in accordance with state law.

YOU ARE THEREFORE COMMANDED: that you summon the said **GERARDO ORTIZ**, principal, and the said **CASHBOND** as sureties as aforesaid, to be and appear by filling a written answer before the said **County Court** located at **412 N. Texana, Hallettsville, Lavaca County, Texas**, on or before Monday next after the expiration of twenty days from service hereof, then and there to show cause why said forfeiture should not be made final.

Plaintiff is represented by **JAMES REEVES** whose address is **PO Box 576, Hallettsville, TX, 77964**.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand the seal of said court at **Hallettsville, Texas**, this **2nd** day of **May, 2025**.



Attest: Barbara K. Steffek, County Clerk  
County Court, Lavaca County, Texas  
PO Box 326  
Hallettsville, TX 77964

By

  
CHRISTY WILSON, DEPUTY CLERK

NOTICE

You have been sued for payment on the above referenced forfeited bond. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation, a default judgment may be taken against you.

**Civil No: 00004819**

**Criminal No: 00025930**

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**OFFICER'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.M., and Executed at \_\_\_\_\_ within the County of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by delivering to the within named defendants in person, a true copy of this Citation together with the accompanying copy of the plaintiff's petition, having first attached such copy of such petition to such petition to such copy of citation and endorsed on such copy of said citation the date of delivery.

Not executed, the diligence use to execute being \_\_\_\_\_; for the following reason \_\_\_\_\_, the Defendant may be found \_\_\_\_\_.

**FEES:**

For serving this citation \$ \_\_\_\_\_  
To certify which witness my hand officially

Sheriff of \_\_\_\_\_ County, Texas  
By: \_\_\_\_\_, Deputy

**VERIFICATION**

State of Texas

County of \_\_\_\_\_

Before me, on this day personally appeared \_\_\_\_\_, who being duly sworn on his oath deposed and said that he is of sound mind, and in no manner interested in the within styled and number cause, and competent to make the oath of the facts herein stated, and that he has read the foregoing Return of Citation and that every statement contained therein is within his personal knowledge true and correct.

\_\_\_\_\_  
Signature of authorized person serving this citation

\* Rule 107 Verification: Subscribed and sworn to by the above named \_\_\_\_\_ before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for \_\_\_\_\_ County, Texas

My commission expires: \_\_\_\_\_  
\_\_\_\_\_

CIVIL NO. 4819  
CRIMINAL NO. 25930

THE STATE OF TEXAS

VS.

GERARDO ORTIZ  
DEFENDANT

§  
§  
§  
§  
§

IN THE COUNTY COURT

OF

LAVACA COUNTY, TEXAS

**JUDGMENT NISI**  
**CASH BOND**

On the 13th day of March 2025, this cause was called for trial and thereupon came the State of Texas by her County Attorney, but the Defendant failed to appear and answer in his behalf, and thereupon the Defendant's name was called distinctly at the door of the Courthouse, and a reasonable time given him after such call was made in which to appear, yet the said Defendant came not, but wholly made default.

And it appearing to the Court that Gerardo Ortiz, as principal, on the 28th day of December 2024, did enter into bail bond, payable to the State of Texas, in the penal sum of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) with One Thousand Five Hundred and No/100 Dollars (\$1,500.00) in cash in the Lavaca County Clerk's office, conditioned that the Defendant, as principal, should well and truly make his personal appearance, instantler, before the County Court of Lavaca County, Texas, and there remain from day to day and from term to term of Said Court until discharged by due course of law, then and there to answer the State of Texas upon a charge by complaint therein filed accusing him of the offense of a misdemeanor, being Driving While Intoxicated BAC>=0.15.

It is therefore considered by the Court that the State of Texas is entitled to a forfeiture of said bail bond, and it is **ORDERED, ADJUDGED** and **DECREED** by the Court that the STATE OF TEXAS do have and recover from the said Gerardo Ortiz as principal the sum of One Thousand Five Hundred and No/100 DOLLARS (\$1,500.00), with One Thousand Five Hundred and No/100 Dollars (\$1,500.00) in cash in the Lavaca County Clerk's office, and that this Judgment will be made final unless good cause be shown why said Defendant did not appear.

The Court further orders each of the following:

1. The Court Clerk shall issue citation to the defendant and deliver each citation by certified mail, return receipt requested, with delivery restricted to the addressee, along with a true copy of this Judgment Nisi.
2. The Court Clerk shall issue an alias capias for the arrest of the Defendant.

SIGNED on March 13, 2025

**Filed**

*1200*

**MAR 13 2025**

  
JUDGE PRESIDING

BARBARA K. STEFFEK, CLERK  
COUNTY COURT, LAVACA CO., TX  
By  Deputy

## FIRST COURT APPEARANCE



## BAIL BOND

COURT: County Court  
 DATE: Instant  
 TIME: Instant  
 YOUR ATTORNEY SHOULD BE  
 WITH YOU ON THIS DATE

CAUSE # \_\_\_\_\_  
 ARREST DATE: 12-25-24  
 ARRESTING AGENT: DPS - Randozzo  
 MAGISTRATE: JP4 - Hall

Known All Men By These Presents:

That we, Ortiz, Gerardo, as principal, and the undersigned  
Cash Bond as sureties,

are held and firmly bound unto the STATE OF TEXAS, in the penal sum of fifteen Hundred dollars

( \$ ) Dollars and, IN ADDITION THERETO, we are bound for the payment of all fees and expenses that may be incurred by any peace officer in re-arresting the said principal in the event any of the hereinafter stated conditions of this bond are violated for the payment of which sum or sums well and truly to be made, we do bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally.

THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGED WITH A FELONY / ~~MISDEMEANOR~~  
 TO WIT: Driving while intoxicated  
 offense and to secure his release from custody is entering into this obligation binding him to appear before the appropriate Court of Lavaca County, Texas, instant.

NOW THEREFORE, IF THE SAID PRINCIPAL SHALL WELL AND TRULY MAKE HIS PERSONAL APPEARANCE BEFORE SAID COURT INSTANTER AS well as before any other court to which the same may be transferred and for any and all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said courts, until discharged by due course of law, then and there to answer said accusation against him, this obligation shall become void, otherwise to remain in full force and effect.

Surety  
 (Mailing Address) Filed  
 (City, State, Zip Code) 310  
FEB 18 2025  
 Co-Surety

BARBARA K. STEEFK, CLERK  
 (Mailing Address) COUNTY COURT, LAVACA CO., TX  
 By [Signature] Deputy  
 (City, State, Zip Code) (PHONE)

SIGNED AND DATED December 28th 2024  
X Gerardo Ortiz  
 (Principal)  
423 West 1st Street (469) 565-6443  
 (Mailing Address) (PHONE)  
Flaton, TX 78491  
 (City, State, Zip Code)

Taken and approved this 28th day of December, 2024.  
 Mich C. Harmon, Sheriff Lavaca County, Texas  
 By CO J. Austin Javier  
 Deputy

## CERTIFICATION OF REPRESENTATION BY ATTORNEY

I, \_\_\_\_\_, a duly licensed attorney of the State Bar of Texas, certify that I am the attorney of record for the above named defendant in the above case, and represent him/her on the charges presently pending against him/her, for which I have made bond for the defendant.

(Name) \_\_\_\_\_ (City, State, Zip Code) \_\_\_\_\_ (Phone) \_\_\_\_\_  
 (Mailing Address) \_\_\_\_\_ (Bar Card No.) \_\_\_\_\_

OATH OF SURETIES  
 THE STATE OF TEXAS  
 COUNTY OF LAVACA

We, each of us, Gerardo Ortiz

do swear that we are worth in our own right, at least the sum of fifteen Hundred DOLLARS, AFTER DEDUCTING FROM OUR PROPERTY ALL THAT WHICH IS EXEMPT BY THE Constitution and Laws of the State from forced sale, and after the payment of all our debts, of every description, whether individual or security debts, and after satisfying all encumbrances upon our property which are known to us; and that we reside in the County of Fayette and have property in the State liable to execution worth:

SURETY X Gerardo Ortiz SUM OF fifteen Hundred DOLLARS  
 (SIGNATURE)

CO-SURETY \_\_\_\_\_ SUM OF \_\_\_\_\_ DOLLARS  
 (SIGNATURE)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

NOTARY PUBLIC STATE OF TEXAS

(Expiration Date of Notary)

Race H Sex M 5'08" Hgt. Wgt. 120  
 Hair BLK Eyes Brown DOB 10/10/05  
 DL # N/A State N/A

ORIGINAL

Paid By Javier Torres  
805 S LAGrange St  
Flaton, TX 78491

CIVIL NO. 4819  
CRIMINAL NO. 25930

THE STATE OF TEXAS	§	IN THE COUNTY COURT
VS.	§	OF
GERARDO ORTIZ	§	LAVACA COUNTY, TEXAS

**STATE'S MOTION FOR SUBSTITUTED SERVICE OF PROCESS**

COMES NOW The State of Texas, by and through its Lavaca County Attorney, and files this Motion for Substituted Service of Process pursuant to Texas Rule of Civil Procedure 109 and respectfully requests that the Court authorize an alternative method of service on Defendant Gerardo Ortiz. In support of this Motion, the State shows the Court as follows:

1. On December 28, 2024, in Criminal Cause No. 25930, Defendant did enter a cash bond, payable to Plaintiff, the State, in the sum of \$1,500.00, conditioned on the Defendant's personal appearance in court on March 13, 2025.
2. On March 13, 2025, Defendant was called before the Court but failed to appear to answer the charge against him.
3. As a result of Defendant's failure to appear, the Court declared the bond forfeited and ordered that the State recover the amount of \$1,500.00, subject to Defendant's right to show good cause for his nonappearance.
4. The State thereafter filed a motion to forfeit the Defendant's bail bond.
5. The State has attempted to serve Defendant on three (3) occasions at 423 West 1st Street, Flatonia, Texas 78491 (the "Property") by personal delivery, but service has not been successful despite the exercise of due diligence. A sworn affidavit from the process server detailing these attempts is attached as Exhibit A.
6. Because personal service has not been successful and the State and the affiant have been unable to locate the whereabouts of Defendant, the State requests that the Court authorize substituted service by publication on the website of Lavaca County, Texas and The Office of

Court Administration's Citation by Publication and Court Notices Website.

7. Pursuant to Texas Rule of Civil Procedure 109, the State requests that the Court order the Clerk to issue citation for service by publication by commanding Defendant to appear and answer at or before 10:00 a.m. of the first Monday after the expiration of forty-two (42) days from the date of citation issuance. Given the sworn statements in the process server's affidavit, the possibility exists that Defendant no longer resides at the Property and that he may not, after due diligence, be located or found for personal service.
8. The process server's affidavit, attached as Exhibit A, is sufficient proof of due diligence in attempting to locate and serve Defendant. The affidavit, accordingly, satisfies the requirements for citation by publication under Texas Rule of Civil Procedure 109.
9. For these reasons, the State respectfully requests that the Court grant this Motion and authorize substituted service of process on Defendant in the manner described above, direct the Clerk to issue a citation for service by publication, and for such other and further relief to which the State may be justly entitled.

RESPECTFULLY SUBMITTED,

/s/Forrest T. Kroschel

ATTORNEY FOR THE STATE

FORREST KROSCHER, 24092649

STATE OF TEXAS

EXHIBIT A

LAVACA COUNTY

AFFIDAVIT

Before me, the undersigned authority, personally appeared Rachael Barber, who, being by me duly sworn, deposed as follows:

My name is Rachael Barber, and I work as an investigator for the Lavaca County Attorney's Office. I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated:

On Monday, March 24, 2025, I was asked to serve a citation on Gerardo Ortiz for a judgement nisi bond forfeiture. I attempted to serve Ortiz at his last known residence at 423 West 1<sup>st</sup> Street, Flatonia, TX, 78491 on March 26, 2025 at 8:10 A.M. I was unable to make contact with anyone at the residence. It appeared the residence did not have anyone living there and someone was doing construction on the mobile home. I observed the inside of the residence through a window, and it appeared to lack furniture.

April 2, 2025, at 7:42 A.M. I returned to the above-mentioned address and knocked again on the door. I was unable to make contact with anyone at the residence and it appeared the same as my previous attempt of service.

On April 3, 2025, at 11:28 A.M. I returned to the above-mentioned address and knocked on the door. There was no answer at the door again and it appeared the same as the day before.

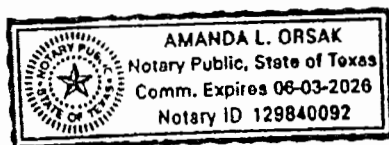
I then contacted the phone number listed on the bond for Ortiz at 12:20 P.M., 469-565-6443. I was unable to get the phone call to go through and per my office phone line it stated the call failed.

After due diligence in attempting to locate Gerardo Ortiz, I did not take further action.

*Rh/Bh*

Affiant

SWORN TO AND SUBSCRIBED before me on the 3<sup>rd</sup> day of April, 2025.



*Amanda L. Orsak*

Notary Public, State of Texas

Printed Name of Notary:

*Amanda L. Orsak*

My Commission Expires: 8/3/2026

Filed  
845  
APR 04 2025

BARBARA K. STEFFEK, CLERK  
COUNTY COURT, LAVACA CO., TX  
By *Christy Wilson* Deputy

CIVIL NO. 4819  
CRIMINAL NO. 25930

THE STATE OF TEXAS	§	IN THE COUNTY COURT
VS.	§	OF
GERARDO ORTIZ	§	LAVACA COUNTY, TEXAS

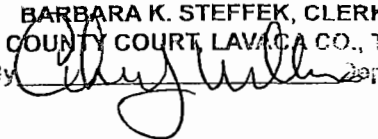
**ORDER GRANTING SUBSTITUTED SERVICE OF PROCESS**

After considering The State of Texas's Motion for Substituted Service and the supporting sworn statement, the Court finds that the State's attempts to serve Defendant, Gerardo Ortiz, have been unsuccessful despite the State's due diligence and that the substituted service requested in the State's motion will be reasonably effective to give Defendant notice of the suit.

The Court therefore **GRANTS** the motion and authorizes substituted service by publication on the website of Lavaca County, Texas and The Office of Court Administration's Citation by Publication and Court Notices Website.

Signed the 2nd day of May, 2025.

  
JUDGE PRESIDING

**Filed**  
954  
MAY 02 2025  
BARBARA K. STEFFEK, CLERK  
COUNTY COURT, LAVACA CO., TX  
By  Deputy