

CAUSE NO. D-1-GV-10-000454

STATE OF TEXAS,  
*Plaintiff,*

IN THE DISTRICT COURT OF

v.

RETIREMENT VALUE, LLC,  
RICHARD H "DICK" GRAY,  
HILL COUNTRY FUNDING, LLC,  
a Texas Limited Liability Company,  
HILL COUNTRY FUNDING, a Nevada  
Limited Liability Company, and  
WENDY ROGERS,  
*Defendants,*

TRAVIS COUNTY TEXAS

AND

KIESLING, PROTER, KIESLING,  
& FREE, P.C.  
*Relief Defendant,*

126<sup>TH</sup> JUDICIAL DISTRICT

AND

"..., REID H. THORBURN...",  
*Third-Party Defendants*

**NOW COMES** Defendant, Reid H. Thorburn, named defendant in the above-entitled and numbered cause and files this Original Answer and shows the Court:

**GENERAL DENIAL**

Defendant generally denies the allegations of Plaintiff's [THIRD'S AMENDED CROSS-CLAIM AND THIRD-PARTY CLAIM] Petition and demands strict proof thereof as required by law.

**VERIFIED DENIALS**

1. Plaintiff has not won nor settled its case yet.
2. The Receivership charged by the court to recover funds being sought by Plaintiff has itself been sued by claimants under the Receivership for alleged mishandling of or misappropriation of funds.
3. There has been no definitive ruling that the alleged Money Had and Received and Fraudulent Transfer were the basis for commissions were paid.
4. Solvency of the Receiver Estate is under the protection of the bankruptcy court.

20  
11-7-11

**AFFIRMATIVE DEFENSES**

Defendant, Reid H Thorburn, is not liable to Plaintiff because his alleged damages are the result of acts or omissions committed by parties to this action over whom the Defendant had no responsibility or control.

Defendant is not liable to Plaintiff because of failure of consideration, lack of privities, accord and satisfaction, failure to name all necessary parties, ambiguity in the contact and/or a mutual mistake between the parties, estoppels, walver, consent, justification, ratification and rescission.

**PRAYER**

WHEREFORE PREMISES CONSIDERED, Defendant prays that on final hearing the Court enter its judgment denying Plaintiff the relief requested, and such other and further relief as to which it may be just entitled.

Respectfully submitted,

By: 

REID H. THORBURN, Per Se  
1448 Long Creek Blvd.  
New Braunfels, TX 78130  
(830) 800-9600

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Original Answer was delivered via FAX on the 7<sup>th</sup> day of November, 2011 to the following attorney of record:

JOHN W. THOMAS  
George & Brothers, LLP  
114 W. 7<sup>th</sup>, Suite 1100  
Austin, TX 78701-3015  
FAX: 512.499.0094