

The United States District Court  
Southern District of Texas  
Brownsville Division

United States District Court  
Southern District of Texas  
FILED

JUL - 1 2019

David J. Bradley, Clerk of Court

United States of America,	)	
	)	
Plaintiff,	)	
	)	Notice of Condemnation and Declaration of Taking
v.	)	Case No. 1:19-CV-00098
	)	
1.000 Acres of Land, More or	)	
Less, Situate in Cameron County,	)	ANSWER
State of Texas,	)	
Jaime R. Trevino, et al.,	)	
	)	
Defendants.	)	

COMES NOW the Defendant Jaime R. Trevino, et al., in answering the allegations of the Complaint on file herein, affirms, denies and alleges as follows:

Answering the allegations of the Complaint herein, Defendant affirms all the facts in Schedules B, C, D and G.

Answering the allegations of the Complaint herein, Defendant partially disagrees with Schedule A, E and F. Under the Fifth and Fourteenth Amendments, all citizens are entitled to due process of law, before the government can take their property. With respect to eminent domain, landowners are entitled to notice of and to be heard before the government can deprive them of their property. The Amendments quote "nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation"

On December 2018, US CBP and US ACOE reached out to Defendants requesting signatures for Right of Entry Forms that had been mailed out for these properties. Defendant has both business cards provided by both agencies. In speaking to the government, we mentioned that the area of concern is a fenced area where we have a 10-year-old family horse. We were concerned that gates would be left unlocked or that we would have to relocate our horse in the meantime which would be an additional expense to us. During the conversation, US Government stated that although the forms stated 18 months, the surveying and testing would only take about a 2-3 days. When this was requested in writing, we were called a couple of days later and told that unfortunately it could not be put in writing because the forms were all standard the same.


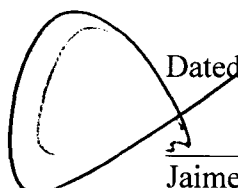
On March 2018, US Attorney Office reached out to Defendants once again requesting signatures for Right of Entry Forms that were emailed. Defendants mentioned to Mr. Salazar the situation with the horse and the concerns. We asked if we could get an estimate number of days needed in our property in writing so that we could estimate also the amount of expenses we would incur if we needed to relocate our horse. This time we were told that the government could not provide us with an estimate. That the best they could do was provide us an estimate once they were in our

property. We told Mr. Salazar that “since these assessments have been previously conducted for other surrounding areas, it should not be too hard for this information to be provided to us so that we can plan ahead on how to handle the daily care for our Horse. It will not be easy nor inexpensive for us to relocate Chief (our horse) and we need to have all the information possible for this.” We were only told that this information was not available and that they could only give us a 7-day advance notice of when they would start and provide an estimate once they started. We were also told that the government would not assist with any expenses to relocate or accommodate our horse. We offered for Mr. Salazar to view our physical property so that we could be told if the marked affected area was inside the fenced area or not. We told him that if the marked area was outside our fenced area then it didn’t affect our horse and we would be ok. But Mr. Salazar said he couldn’t tell if the marked area was inside or outside the fenced area. We have the emails that were sent and received in reference to this.

On June 2019, once again Mr. Salazar reached out to Defendants and met to discuss lawsuit information. Mr. Salazar reviewed the process and during the conversation and map review mentioned that government was not only seeking Right of Entry access to the back part of property but to the whole property. At this point, we mentioned that now we had another concern with strangers coming into our property due to our 5 minor children always playing in the backyard. We explained to Mr. Salazar and his Secretary the ages of our children and how the backyard is their play area and swimming pool area since he mentioned that the access would have to be to the whole property and unlimited for the period of the project. We explained to Mr. Salazar that we had a major concern for the safety and security of our 5 children because we can’t see ourselves having to tell our children that they can’t go outside at all for the next 12 months because strangers will be in our backyard. Once again, we requested for Mr. Salazar to get us the information we have been requesting so that we can know now for how long we would have to restrict our children and estimate the additional expense to relocate our Horse. We also asked him to request the US ACOE to mark the area or tell us if it will affect the horse fenced area. We reminded Mr. Salazar that we in Good Faith signed the ROE for another neighbor property that we own vacant, but the situation is different for this one. We would not want to restrict our children more than 7 days total to their own backyard. We still don’t understand how the government could not provide us with the information as this has been an ongoing project. We refused to sign an open ended 12 month Right of Entry due to the safety and security of our Children and Costs incurred for our Horse relocation. We also asked if we could get ROE terms for the surveying which involves the whole property and would only be a couple of days and one for the back area where the project would be, but were told it wasn’t possible. In addition, the \$100 value is not just compensation for the access to our property for the period defined, nor the additional costs that we could incur not only for the horse relocation but also for our Children’s safety and space to their own home. It is unfair for us to have to allow strangers into our home, risk our children’s safety, and for such an extended period of time.

WHEREFORE, Defendant prays that the Plaintiff take nothing, and the Defendant have judgment against the Plaintiff and recover the costs of suit herein, and such other relief the court may deem proper.

Dated this 1<sup>st</sup> day of July 2019



Jaime R. Trevino and Rocio Trevino  
7767 Gastin Dr. Brownsville, TX 78520