

CAUSE NO. D-1-GN-13-001230

ALAN L. HAMILTON, INDIVIDUALLY § IN THE DISTRICT COURT
AND AS SUCCESSOR TRUSTEE OF THE §
HAMILTON FAMILY TRUST AND AS §
INDEPENDENT EXECUTOR OF THE §
ESTATE OF MAURINE P. HAMILTON, §
PLAINTIFF §
§
VS. § 353RD JUDICIAL DISTRICT
§
DANIEL DAVILA III, §
DEFENDANT. § TRAVIS COUNTY, TEXAS

PLAINTIFF'S DESIGNATION OF ITEMS TO BE INCLUDED IN CLERK'S RECORD

TO: VELVA L. PRICE, District Clerk, Rm 302 Courthouse, 1000 Guadalupe Street, P.O. Box 1748, Austin, Texas 78767-1748 (Attn: Shaun Glasson)

Under Texas Rule of Appellate Procedure 34.5, Plaintiff Alan L. Hamilton (herein at times referred to as "Alan Hamilton" or "PLAINTIFF"), and files this designation of items to be included in the Clerk's Record in the appeal of the final judgment in the above case.

REQUEST FOR MANDATORY ITEMS

Plaintiff designates the following mandatory items specified in Texas Rule of Appellate Procedure 34.5 for inclusion in the sworn record:

- 1) all pleadings on which the summary judgment proceedings were held;
- 2) the court's docket sheet;
- 3) the court's order that is being appealed namely, the Final Judgment dated March 9, 2015;
- 4) any post-order motions and the court's orders thereon;
- 5) all notices of appeal; and

6) all requests for preparation of the Clerk's Record.

REQUEST FOR ADDITIONAL ITEMS

In addition, Plaintiff designates the items listed below, all of which are specifically described in the attached spreadsheet, to make them readily identifiable:

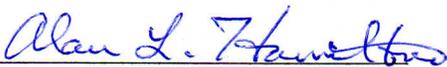
7) Judges Notes

8) EVERYTHING in court record, 45 documents including Judge's Notes and this document. See attached spreadsheet with complete clerk's court record listing with:

- a) numbered documents,
- b) dates filed,
- c) filed by,
- d) document titles,
- e) number of pages and
- f) estimated start page for each document in court record

Under Texas Rule of Appellate Procedure 37.3, Plaintiff will pay for the preparation of the Clerk's Record.

Respectfully submitted,


Alan L Hamilton, Plaintiff, Pro Se, Appellant
9902 Childress Dr
Austin, Texas 78753
512-832-6384
AlanHamilton@ProBaitCourt.com

CERTIFICATE OF SERVICE

On 7/2/2015, a copy of the foregoing instrument was served, in compliance with Texas Rules of Civil Procedure 21 and 21a, on the following in the manner listed below:

Counsel for Appellee/Defendant:

Attorney for: Daniel Davila, III
Attorney's name: Robert M Smith
Attorney's address: COKINOS, BOSIEN & YOUNG
10999 West IH-10, Suite 800
San Antonio, Texas
(210) 293-8700 office
(210) 293-8733 fax

Type of Service:

U.S. Mail, Certified Return Receipt Request No. _____
 U.S. Mail, First Class.
 Hand delivery by [name of delivery service]: _____
 Facsimile transmission to fax number 210-293-8733 before 5 p.m
 via www.Greenfiling.com "file and serve" – www.eFileTexas.gov

Signature:


Alan L Hamilton, Plaintiff, Pro Se, Appellant
9902 Childress Dr
Austin, Texas 78753
512-832-6384
AlanHamilton@ProBaitCourt.com

D-1-GN-13-001230-Designation of Clerk's Record spreadsheet

Case:D-1-GN-13-001230 with (45) documents									
DOC #	FILED DATE	FILED BY:	CATEGORY	DESCRIPTION	ADDITIONAL INFO	start page #	# pgs total	notes	details
				Appeals Cover page	Appeal Cover page	1	1		Shaun estimate
				Index	Index	2	2		Shaun estimate
1	4/12/2013	PL1	PET-PL	ORIGINAL PETITION/APPLICATION	PLAINTIFF'S ORIGINAL PETITION	4	7		
2	4/17/2013	PL1	SRVPROCESS	EXE SERVICE OF CITATION	DANIEL DAVILA III	11	1		
3	5/6/2013	DF1	ANS-RESP	ORIGINAL ANSWER	DEFENDANT'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION	12	2		
4	5/22/2013	DF1	ANS-RESP	AMENDED/SUPPLEMENTED ANSWER	DEFENDANT'S FIRST AMENDED ANSWER TO PLAINTIFF'S ORIGINAL ANSWER	14	4		
5	8/9/2013	PL1	MOTION	MTN:SUB & OR WITHDRAW COUNSEL	MOTION TO WITHDRAW AS ATTORNEY OF RECORD	18	2		
6	8/9/2013	PL1	ORD	ORD:SUB & OR WITHDRAW COUNSEL	ORDER IN MOTION TO WITHDRAW AS ATTORNEY OF RECORD	20	3		
7	9/24/2013	DF1	SRVPROCESS	EXE SERVICE OF SUBPOENA	SYLVIA LYNN HAMILTON	23	11		#9 in AMP
8	9/25/2013	DF1	MOTION	MTN:OTHER MOTION	DEFENDANT DANIEL DAVILA III'S FIRST MOTION TO STRIKE OBJECTIONS AND COMPEL COMPLETE DISCOVERY RESPONSES FROM PLAINTIFF ALAN L HAMILTON INDIVIDUALLY AND AS SUCCESSOR	34	10		#7 in AMP
9	9/25/2013	DF1	NOTICE	NTC:HEARING/SETTING	NOTICE OF HEARING	44	2		#8 in AMP
10	9/26/2013	DF1	NOTICE	NTC:HEARING/SETTING	AMENDED NOTICE OF HEARING	46	2		#10 in AMP
11	9/30/2013	DF1	SRVPROCESS	EXE SERVICE OF SUBPOENA	SYLVIA LYNN HAMILTON	48	11		#11 in AMP
12	10/30/2013		ORD	ORD:OTHER ORDER	ORDER REGARDING DEFENDANT DANIEL DAVILA, III'S FIRST MOTION TO STRIKE OBJECTIONS AND COMPEL COMPLETE DISCOVERY REPSONSES FROM PLAINTIFF, ALAN L. HAMILTON, INDIVIDUALLY AND SUCCESSOR	59	2		#12 in AMP

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DOC #	FILED DATE	FILED BY:	CATEGORY	DESCRIPTION	ADDITIONAL INFO	start page #	# pgs total	notes	details
13	11/25/2013	DF1	MOTION	MTN:COMPEL/SANCTIONS	DEFENDANT DANIEL DAVILA, III'S MOTION FOR RULE 215 SANCTIONS REGARDING PLAINTIFF, ALAN L. HAMILTON, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE HAMILTON FAMILY TRUST AND AS	61	10		#14 in AMP
14	11/25/2013	DF1	NOTICE	NTC:HEARING/SETTING	NOTICE OF HEARING	71	2		#13 in AMP
15	11/26/2013	DF1	MOTION	MTN:OTHER MOTION	DEFENDANT DANIEL DAVILA, III'S MOTION FOR TRIAL SETTING AND ENTRY OF DOCKET CONTROL ORDER	73	8		#15 in AMP
16	1/29/2014		OTHER	RULE 203.2 CERTIFICATE	SYLVIA LYNN HAMILTON	81	3		3pgs in AMP, 4 pgs downloaded. #16 in AMP
17	1/29/2015	DF1	MOTION	!MTN:OTHER MOTION	DEFENDANT DANIEL DAVILA, III'S TRADITIONAL AND NO-EVIDENCE MOTIONS FOR SUMMARY JUDGMENT AS TO PLAINTIFF, ALAN L. HAMILTON, INDIVIDUALLY, AS SUCCESSOR TRUSTEE OF THE HAMILTON FAMILY TRUST	84	459	original Motion to #29 MemOpp	459 pgs in AMP, 11 blank pgs not scanned due to no Bates#, 468 pgs in served copy. #17 in AMP.
18	1/29/2015	DF1	NOTICE	NTC:OTHER NOTICE	NOTICE OF HEARING	543	2		#18 in AMP
19	3/3/2015	PL1	MOTION	MTN:OTHER MOTION	MOTION FOR CONTINUANCE	545	48	BEFORE www.greenfiling.com scanned in on 3/6/2015-day AFTER Continuance hearing	#21 in AMP
20	3/4/2015	DF1	ANS-RESP	OTHER ANSWER/RESPONSE	DEFENDANT DANIEL DAVILA III'S RESPONSE TO PLAINTIFF'S MOTION FOR CONTINUANCE	593	35		#19 in AMP
21	3/5/2015	DF1	OTHER	OTHER FILING	LETTER WITH PROPOSED ORDER	628	2		#20 in AMP
22	3/9/2015		OTHER	EXHIBITS RECEIPT	EXHIBITS RECEIPT	630	1		#32 in AMP
23	3/9/2015	PL1	OTHER	OTHER FILING	LETTER FROM: ALAN L. HAMILTON W/ CD ATTACHED *****SENT TO FILE ROOM***** RT	631	1		#34 in AMP
24	3/9/2015		ORD	ORD:OTHER ORDER	ORDER DENYING PLAINTIFF'S MOTION FOR CONTINUANCE	632	1		#22 in AMP

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DOC #	FILED DATE	FILED BY:	CATEGORY	DESCRIPTION	ADDITIONAL INFO	start page #	# pgs total	notes	details
25	3/9/2015		ORD	ORD:JUDGMENT	ORDER GRANTING DEFENDANT DANIEL DAVILA, III'S TRADITIONAL AND NO-EVIDENCE MOTIONS FOR SUMMARY JUDGMENT AS TO PLAINTIFF, ALAN L. HAMILTON, INDIVIDUALLY, AS SUCCESSOR TRUSTEE OF THE	633	2		#26 in AMP
26	3/16/2015	PL1	ANS-RESP	OBJECTIONS/SPECIAL EXCEPTIONS	PLAINTIFFS MEMORANDUM OF OPPOSITION TO DEFENDANT DANIEL DAVILA III'S FIRST MOTION TO STRIKE OBJECTIONS AND COMPEL COMPLETE DISCOVERY RESPONSES FROM PLAINTIFF ALAN L HAMILTON	635	56		#23 in AMP
27	3/17/2015		NOTICE	JUDGMENT NOTICE MAILED	Form Number L60-46417 Issued by BARI HENSON (5601) JUDGMENT NOTICE MAILED	691	1		#24 in AMP
28	3/17/2015		NOTICE	JUDGMENT NOTICE MAILED	Form Number L60-46418 Issued by BARI HENSON (5601) JUDGMENT NOTICE MAILED	692	1		#25 in AMP
start MemOpp to MSJ - note: filed in 5 parts due to www.greenfiling.com envelope size limits = 30MB									
29	3/25/2015	PL1	ANS-RESP	OBJECTIONS/SPECIAL EXCEPTIONS	PLAINTIFFS MEMORANDUM OF OPPOSITION TO: DEFENDANT DANIEL DAVILA III'S MOTION FOR TRADITIONAL AND NO EVIDENCE SUMMARY JUDGMENT AS TO PLAINTIFF ALAN L HAMILTON INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE HAMILTON FAMILY TRUST	693	17	3/25/2015 - Answer/Response - Part1	#27 in AMP
30	3/25/2015	PL1	OTHER	!OTH:OTHER FILING	GREEN FILING ERROR NOTE TO TRAVIS COUNTY DISTRICT COURT CLERK	710	56	3/25/2015 - Answer/Response - Part2	#28 in AMP
31	3/25/2015	PL1	OTHER	!OTH:OTHER FILING	OPPOSITION TO SUMMARY JUDGMENT FOR DEFENDANT CONTRADICTION EVIDENCE EXHIBITS - TABLE OF CONTENTS	766	20	3/25/2015 - Answer/Response - Part3 - contains Exhibit AA	#29 in AMP
32	3/25/2015	PL1	OTHER	!OTH:OTHER FILING	EXHIBIT BB	786	39	3/25/2015 - Answer/Response - Part4	#30 in AMP
33	3/25/2015	PL1	OTHER	!OTH:OTHER FILING	EXHIBIT CC	825	141	3/25/2015 - Answer/Response - Part5	#31 in AMP
end MemOpp to MSJ									

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DOC #	FILED DATE	FILED BY:	CATEGORY	DESCRIPTION	ADDITIONAL INFO	start page #	# pgs total	notes	details
34	4/7/2015	PL1	MOTION	MTN:OTHER MOTION	PLAINTIFFS MOTION TO VACATE DEFENDANTS SUMMARY JUDGMENT ORDER OBTAINED WITH A FRAUDULENT AND PREJURING MOTION	966	21		#33 in AMP
35	5/8/2015	PL1	NOTICE	NTC:OTHER NOTICE	NOTICE OF HEARING	987	3		#35 in AMP
36	5/22/2015	DF1	ANS-RESP	OTHER ANSWER/RESPONSE	DEFENDANT DANIEL DAVILA, III'S RESPONSE AND OBJECTIONS TO "PLAINTIFF'S MOTION TO VACATE DEFENDANT'S SUMMARY JUDGMENT ORDER OBTAINED WITH A FRAUDULENT AND PERJURING MOTION"	990	108		#36 in AMP
37	5/28/2015	PL1	OTHER	OTHER FILING	LETTER-ALAN L HAMILTON (WITH ORDER FORWARDED TO CLERK OF THE 353RD COURT)	1098	5		#37 in AMP
38	5/29/2015	PL1	OTHER	OTHER FILING	DVD EVIDENCE SUBMISSION SUPPORTING PLAINTIFF'S MEMORANDUM OF OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY (DVD 2)	1103	4		#38 in AMP
39	5/29/2015	PL1	OTHER	OTHER FILING	DVD EVIDENCE SUBMISSION SUPPORTING PLAINTIFF'S MEMORANDUM OF OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY (DVD 3)	1107	6		#39 in AMP
40	6/3/2015		ORD	!ORD:OTHER ORDER	ORDER ON PLAINTIFF'S MOTION TO VACATE SUMMARY JUDGMENT ORDER	1113	4		4 pgs in AMP, 5 pgs downloaded. #40 in AMP
41	6/5/2015	PL1	NOTICE	NTC:NOTICE OF APPEAL	NOTICE OF APPEAL	1117	2		
42	6/5/2015	PL1	OTHER	OTHER FILING	REQUEST FOR PREPARATION OF THE RECORD FOR AN APPEAL	1119	2		
43	6/9/2015		OTHER	OTHER FILING	LETTER FROM COURTLAND CROCKER	1121	1		
44	6/30/2015			Judges Notes/Comments		1122	1		Shaun estimate
45	7/2/2015	PL1		Plaintiff's Designation of Items to be Included in Clerk's Record		1123	8		

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DOC #	FILED DATE	FILED BY:	CATEGORY	DESCRIPTION	ADDITIONAL INFO	start page #	# pgs total	notes	details
				Court Docket Record	Docket Record	1131	4		Shaun estimate
				Court Cost Record	Bill of Cost	1135	1		Shaun estimate
				Clerks Record Page	Clerks Record	1136	1		Shaun estimate
							1136	total	
					Cost estimate at \$1/pg		\$1136		
Notation note: AMP refers to the AARO (Attorneys Access to Records Online) Pro Se portal substitute									
Finally implemented in Apr/May 2015, 17 months after first request for Pro Se "Equal Access" to online court records (still no document names, only dates and num pgs scanned)									
Got a call in April 2015, that newly District Clerk Velva L Price was passionate about public access and had ordered that Pro Se parties be given equal access to online court records									
Worked with Victor and Rick Booth at Travis County Clerk's Office on implementation and testing of new Pro Se portal									