

NO. 456,059

<p>GUARDIANSHIP OF</p> <p>MURIEL LUBA MINTZ,</p> <p>AN INCAPACITATED PERSON</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE PROBATE COURT</p> <p>NUMBER TWO (2) OF</p> <p>HARRIS COUNTY, TEXAS</p>
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MOTION TO SHOW CAUSE

~~1 Pers by pp~~
7-27-18

TO THE HONORABLE JUDGE MIKE WOOD:

NOW COMES MICHELE K. GOLDBERG, former Temporary Guardian of the Person and Estate Pending Contest in the above styled and referenced cause (hereinafter referred to as “Movant”), and makes this Motion to Show Cause and moves this Court to require CANDICE SCHWAGER, a/k/a CANDICE LEE ‘CANDICE SCHWAGER’ LEONARD on the State Bar Website, (“Respondent”) to appear and show cause why she has failed to pay Sanctions to Movant, in the amount of “\$10,000.00 plus interest” pursuant to Order of this Court dated May 30, 2018 and in support thereof respectfully shows the Court the following:

1. This Court issued an Order dated May 30, 2018, ordering Respondent to pay directly to Movant cash sanctions in the amount of \$10,000.00, plus interest calculated at the current legal rate until paid in full, on or before June 8, 2018, at 3:00 p.m. at Movant’s office.
2. Movant has not received any payment thereon at all.
3. Movant served Respondent (via email) with a demand letter on July 23, 2018, which is attached hereto as Exhibit “A”. Movant notified Respondent of the delinquency and demanded full payment at Movant’s office on or before July 27, 2018, at 9:00 a.m.
4. Such second deadline has come and gone and Movant has received no payment

from Respondent whatsoever.

5. Respondent apparently filed a request for Writ of Mandamus against this Court, regarding the Sanctions Order specifically. However, such request for a Mandamus was filed (1) LONG after such Order was final (more than 30 days), (2) with no required procedural attempts to remedy the perceived “abuse of discretion” in the trial court first, and finally, (3) somehow at the exact same time that Respondent was absent from this Court’s July 19, 2018 hearing on her own Response and Objection to Movant’s Account for Final Settlement, allegedly because her child was ill.
6. Citation may be served on CANDICE SCHWAGER, a/k/a CANDICE LEE ‘CANDICE SCHWAGER’ LEONARD at: 1417 Ramada Drive, Houston, TX 77062; telephone: 832-315-8489, or wherever she may be located.

WHEREFORE, PREMISES CONSIDERED, Movant prays that Respondent be cited to Appear and Show Cause why she should not produce the previously Ordered Sanctions payments, that the Court set a hearing on this Motion; that Respondent be ORDERED to make full payment to Movant of the cash amount of \$10,000.00 plus statutory interest accruing from June 8, 2018, not later than 9:00 a.m. on August 1, 2018; and that if such payment is not made, Ordering that Respondent is thereafter subject to further Sanctions and Contempt by this Court, and that the Court grant such other and further relief to which Movant may show herself entitled or which the Court deems reasonable and necessary.

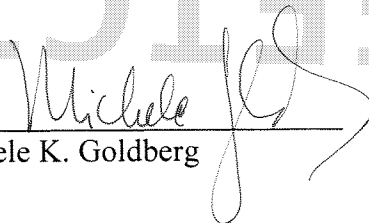
Respectfully submitted,



MICHELE K. GOLDBERG
State Bar No. 00793819
6750 West Loop South, Suite 615
Bellaire, TX 77401
713-218-8800
713-839-0142 Fax
lawmkg@sbcglobal.net
Former TEMPORARY GUARDIAN PENDING
CONTEST

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served on all counsel of record on this the 30th day of July, 2018, according to the Texas Rules of Civil Procedure.



Michele K. Goldberg

NO. 456,059

GUARDIANSHIP OF	§	IN THE PROBATE COURT
MURIEL LUBA MINTZ,	§	NUMBER TWO (2) OF
AN INCAPACITATED PERSON	§	HARRIS COUNTY, TEXAS

ORDER TO SHOW CAUSE

ON THIS DAY, the Court considered the Motion filed by Movant, MICHELE K. GOLDBERG, Former Temporary Guardian of the Person and Estate Pending Contest, asking this Court to Order Respondent, CANDICE SCHWAGER, a/k/a CANDICE LEE 'CANDICE SCHWAGER' LEONARD, to make immediate payment due to Movant under previous Order of this Court. This Court finds that such Motion should be Granted.

IT IS THEREFORE ORDERED that CANDICE SCHWAGER, a/k/a CANDICE LEE 'CANDICE SCHWAGER' LEONARD shall appear in person before Harris County Probate Court No. Two, 201 Caroline, Houston, Texas 77002, on August 21, 2018, at 1:30 pm, and Show Cause why she should not immediately pay to MICHELE K. GOLDBERG, Former Temporary Guardian of the Person and Estate Pending Contest of Muriel Luba Mintz, cash in the amount of \$10,000.00 plus interest, as set forth in the Motion to Show Cause.

SIGNED on _____, 2018.

JUDGE PRESIDING

MICHELE K. GOLDBERG

ATTORNEY & COUNSELOR AT LAW

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www.lawmichelegoldberg.com

Facsimile 713.839-0142

July 23, 2018

Candice Schwager

Via e-mail:

candiceschwager@icloud.com

Candice Schwager (attycandie@gmail.com)

Candice Schwager (candiceschwager@outlook.com)

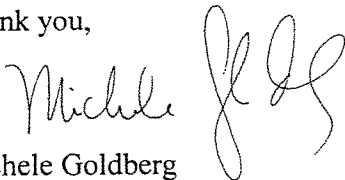
RE: *Guardianship of Muriel Luba Mintz; Cause No. 456,059; In the Probate Court No. Two of Harris County, TX*

Ms. Schwager:

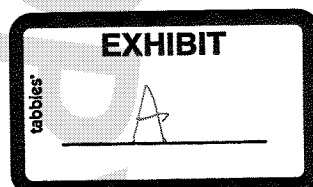
As you know, the Probate Court Number Two Ordered you to pay sanctions directly to me in the total amount of \$10,000.00, plus interest, payable at my office no later than 3:00 pm on June 8, 2018. It is now July 19, 2018 and I have not received any payment thereon.

If full payment in the amount of \$10,000.00 plus interest is not received by 9:00 am July 27, 2018, I will be forced to pursue Show Cause, Enforcement and Contempt Orders from the Court.

Thank you,



Michele Goldberg



Law Office of Michele K. Goldberg

From: Michele Goldberg [Lawmkg@sbcglobal.net]
Sent: Monday, July 23, 2018 12:25 PM
To: Candy Schwager; Candice Schwager; Candice Schwager
Cc: Michele Goldberg
Subject: Mintz
Attachments: demand letter to CS.pdf

Importance: High

Ms. Schwager-

Please see the attached letter.

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