

101ST JUDICIAL DISTRICT DALLAS COUNTY, TEXAS

CAUSE NO. DC-25-10952

MICHAEL A. STUART,

Plaintiff,

v.

BROOKFIELD PROPERTIES,

Defendant.

PLAINTIFF'S REPLY TO DEFENDANT'S OBJECTIONS TO SUMMARY-JUDGMENT EVIDENCE

TO THE HONORABLE JUDGE STACI WILLIAMS:

The dispute stems from two sources of overcharging. First, a recurring, year-after-year pattern of overcharges and unauthorized withdrawal attempts by Defendant that have deprived Plaintiff of the quiet enjoyment of his tenancy. Second, an escalation this year, after Plaintiff requested an accounting of those yearly overcharges, in which Defendant altered prior accounting—removing a posted credit and circulating a revised ledger that inflated the balance it now seeks to enforce.

Dispute 1 — Yearly overcharges, attempted withdrawals, and false eviction threats.

For six consecutive years Defendant has assessed improper charges, attempted unauthorized withdrawals, and issued false eviction threats, then silently reversed those charges months later without explanation. These actions violate the HAP Tenancy Addendum and have repeatedly disrupted Plaintiff's housing and quiet enjoyment. Plaintiff has remained current on rent and

has been an otherwise compliant tenant; the recurring overcharges and threats caused repeated disruption and financial harm.

Dispute 2 — Escalation: fabricated ledger causing an inflated balance.

One month after Plaintiff and Dallas County executed the sixth-year lease in June 2025, while Plaintiff was in good standing, Defendant produced a revised ledger showing an inflated balance of \$2,475 after Plaintiff requested an accounting. Brookfield's earlier account showed a credit of approximately \$1,312. Brookfield's leasing manager admitted removing that credit and then produced a backdated revised ledger reflecting \$2,475. Those unexplained alterations materially escalated the dispute.

Authentication / CC issue.

Plaintiff relies on the ledger pages and the emails circulated by Brookfield personnel as Brookfield's own records. A copied recipient is not necessary to prove that Brookfield authored and circulated the contested documents, and the absence of a sworn declaration from a CC'd person does not render Brookfield's communications irrelevant.

Response to Defendant's objections.

Defendant's objections attack narrow procedural points and do not address the substance of the disputes. The dispositive facts remain: Brookfield's records show a posted credit that was later removed; Brookfield authored and circulated competing ledger versions; and Brookfield has not provided an adequate explanation for the repeated revisions.

Immediate relief requested.

Plaintiff respectfully requests that the Court OVERRULE Defendant's Objections and GRANT Plaintiff's Motion for Summary Judgment on liability now. Plaintiff further requests that the Court ORDER Defendant to preserve all electronic and paper records related to Plaintiff's account and to refrain from taking any adverse action (including collection, credit reporting, eviction filings, or public statements) pending final resolution.

Respectfully submitted,

/s/ Michael A. Stuart

Michael A. Stuart, Pro Se

1800 Main Street, Apt 1554

Dallas, TX 75201

(361) 446-5392

michaelalanstuart@hotmail.com

AUTHORITY

Tex. R. Evid. 801(e)(2) (party admissions); see also Tex. R. Evid. 803(6) (business-records exception) — Brookfield's emails and ledger pages are its own statements/business records and are therefore admissible when properly authenticated.

EXHIBIT INDEX

Exhibit A — Bank transaction showing payment to The Element.

Exhibit B — Brookfield ledger (earlier) showing credit.

Exhibit C — Brookfield ledger (later) showing \$2,475 balance.

Exhibit D — Email from Brookfield staff transmitting ledger versions.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Reply was served on all parties of record via the Court's electronic service system on September 19, 2025.

/s/ Michael A. Stuart

EXHIBIT A — BANK TRANSACTION SHOWING \$1,396 PAYMENT TO THE ELEMENT



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MICHAEL's Inbox

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DATE	SUBJECT
5/11/2020	Purchase Notification CloseDelete You spent \$1396.00 at THE ELEMENT in DALLAS , TX.

BILT 

Wallet

[illegible]

EXHIBIT C — BROOKFIELD JULY 2025 LEDGER SHOWING \$2,475 BALANCE

Resident Ledger (NON HAP)

Date: 07/24/2025

Code	t0021717	Property	318613	Lease From	06/05/2023
Name	Michael Stuart	Unit	E-1554	Lease To	05/31/2024
Address	1800 Main St. #1554	Status	Current	Move In	06/05/2023
		Rent	1645.00	Move Out	
City	Dallas, TX 75201	Phone (H)	(361) 446-5392	Phone (W)	

Date	Chg Code	Post Month	Description	Charge	Payment	Balance	Chg/Rec
06/05/2023	deposit	11/2024	Security Deposit	300.00		300.00	293943
06/05/2023		11/2024	Security Deposit		300.00	0.00	106453
12/01/2024	pest	12/2024	Pest Control (12/2024)	5.00		5.00	504470
12/01/2024	parking	12/2024	Monthly Parking (12/2024)	100.00		105.00	504471
12/01/2024	rent	12/2024	Rent (12/2024)	333.00		438.00	504663
12/01/2024	hvacelec	12/2024	HVAC/ELECTRIC - 09/19/24-10/16/24	17.42		455.42	613901
12/01/2024	hvacgas	12/2024	HVAC/GAS - 09/14/24-10/14/24	0.32		455.74	613903
12/01/2024	acctbill	12/2024	Rent Administration Fee - 12/01/24-12/31/24	3.00		458.74	613906
12/02/2024		07/2025	chk# BL18519320 Reapplied Receipt		449.12	9.62	944696
12/02/2024		07/2025	chk# BL18519319 Reapplied Receipt		9.62	0.00	944702
12/04/2024	latefee	12/2024	Late Charge, 10% of \$333.00	33.30		33.30	668620
06/01/2025	hvacelec	06/2025	HVAC/ELECTRIC - 03/20/25-04/20/25	15.04		2,196.26	2317661
06/01/2025	hvacgas	06/2025	HVAC/GAS - 03/15/25-04/11/25	0.15		2,196.41	2317662
06/01/2025	acctbill	06/2025	Rent Administration Fee - 06/01/25-06/30/25	3.00		2,199.41	2317663
06/01/2025	pest	06/2025	Pest Control (06/2025)	5.00		2,204.41	2378024
06/01/2025	parking	06/2025	Monthly Parking (06/2025)	100.00		2,304.41	2378025
06/01/2025	rent	06/2025	Rent (06/2025)	333.00		2,637.41	2378027
06/01/2025	rent	07/2025	HAP Adjustment (06/2025)	(4.00)		2,633.41	2832393
06/01/2025		06/2025	chk# BL29671898 BILT;BL29671898;ACH;t0021717 NSFed by ctrl# 815843 BILT;BL29671898;ACH;t0021717		828.57	1,804.84	798635
06/02/2025		07/2025	chk# BL30156556 Reapplied Receipt		327.50	1,477.34	944698
06/02/2025		07/2025	chk# BL30156555 Reapplied Receipt		5.50	1,471.84	944700
06/03/2025	nsffee	06/2025	Returned check charge	50.00		1,521.84	2498749
06/03/2025		06/2025	chk# BL29671898 NSF receipt Ctrl# 798635 BILT;BL29671898;ACH;t0021717		(828.57)	2,350.41	815843
06/04/2025	latefee	06/2025	Late Charge, 10% of \$333.00	33.30		2,383.71	2502030
06/24/2025	damages	06/2025	Key Fob Replacement	85.00		2,468.71	2654413
07/01/2025	hvacelec	07/2025	HVAC/ELECTRIC - 04/21/25-05/19/25	16.06		2,484.77	2610276
07/01/2025	hvacgas	07/2025	HVAC/GAS - 04/12/25-05/13/25	0.16		2,484.93	2610277
07/01/2025	acctbill	07/2025	Rent Administration Fee - 07/01/25-07/31/25	3.00		2,487.93	2610278
07/01/2025	pest	07/2025	Pest Control (07/2025)	5.00		2,492.93	2696814
07/01/2025	parking	07/2025	Monthly Parking (07/2025)	100.00		2,592.93	2696815
07/01/2025	rent	07/2025	Rent (07/2025)	333.00		2,925.93	2696817
07/01/2025	rent	07/2025	HAP Adjustment (07/2025)	(4.00)		2,921.93	2832394
07/01/2025		07/2025	chk# BL31515568 BILT;BL31515568;ACH;t0021717		434.07	2,487.86	896007
07/02/2025		07/2025	chk# BL32378793 BILT;BL32378793;ACH;t0021717		64.94	2,422.92	915312
07/04/2025	latefee	07/2025	Late Charge, 10% of \$333.00	33.30		2,456.22	2810471
08/01/2025	hvacelec	08/2025	HVAC/ELECTRIC - 05/20/25-06/19/25	16.06		2,472.28	2903368
08/01/2025	hvacgas	08/2025	HVAC/GAS - 05/14/25-06/12/25	0.17		2,472.45	2903370
08/01/2025	acctbill	08/2025	Rent Administration Fee - 08/01/25-08/31/25	3.00		2,475.45	2903371

EXHIBIT D — EMAIL FROM BROOKFIELD STAFF

TRANSMITTING LEDGER VERSIONS

Michael Stuart

From: De La Garza, Vasti <vasti.delagarza@brookfieldproperties.com>
Sent: Thursday, July 24, 2025 2:33 PM
To: michaelalanstuart@hotmail.com
Cc: Klover.Johnson@va.gov; kimmy.sudberry@dallascounty.org
Subject: The Element - Ledger Review
Attachments: E1554 Michael Stuart t0021717_ResLedger.PDF

Hello Michael,

I wanted to connect with you following a recent audit of accounts. During our review, we identified and applied some necessary updates to ensure your account remains accurate and current.

Based on the HAP documentation provided by your caseworker, we've successfully aligned your ledger with the information from Housing and your portion of the rent. As a result of these corrections, a balance now appears on your account.

I understand this may come as a surprise, and I want to assure you that I'm here to support you. I'd be happy to work with you to find a reasonable solution that fits your situation. Once we identify a plan, I can present it to my leadership team to explore available options.

Please feel free to let me know how you'd like to move forward. I'm here to help, and we'll navigate this together.

Best regards,

Vasti De La Garza
Assistant Property Manager | Property Operations
The Merc

 vasti.delagarza@brookfieldproperties.com
1800 Main Street Suite 250, Dallas, Texas, 75201

Brookfield
Properties