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December 18, 2009

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STOLEN INHERITANCE: THE UNTOLD STORY OF CLARENCE BAINES AND MIKEL BOSTON

Victims of Alleged Real Estate Fraud Fight Back!

HOUSTON – Former County Judge, H.O. “Butch” Strunk and his business associate Ewald Friedrich have been accused of real estate fraud by Clarence Baines, Sr. and his son Mikel Boston. In their civil suit filed in Colorado County, Baines and Boston allege that their homestead inheritance was stolen through a complex scheme of forged deeds filed in the County’s records by the former County Judge. Baines, a lifelong resident of Colorado County, also alleges that there is a long history of Blacks in Colorado County being cheated out of their property rights.

The elderly Baines, who is African American, has staunchly maintained that he has never signed a deed with either of the defendants. The 77 year old cattle farmer, says that he has been raising cattle since he was a boy and inherited the 36-acre property from his mother Lizzie Baines Boston, along with his son Mikel. Mr. Baines maintains that his only other dealings with Strunk were two transactions several years ago where he bought calves on credit from Strunk, and signed a promissory note. He paid Strunk with the proceeds from the sale of the livestock at Strunk’s auction.

Ngwolo & Banks, PLLC, the attorneys for Messieurs Baines Mr. Boston, have hired a forensic document examiner, whose initial review has found a pattern of irregularities on the face of the nine allegedly forged deeds. On several of the deeds, the discrepancies include conflicting execution dates, apparently cut and paste signatures, and out-of-sequence notary stamps.

In their lawsuit, Mr. Baines and Mr. Boston allege that the defendants falsified the documents and may have lifted their signatures from other documents. The preliminary review by the document expert suggests that the signatures on the filed documents may have been cut and pasted from other documents.

Surprisingly, the defendants have not specifically denied the allegations, but have invoked a statute of limitations defense. The defendants claim that the time to file the suit has passed because the documents were filed in the County Clerk’s office – in some cases more than four years earlier. However, Texas law does not recognize the filing of a forged document.

Mr. Baines said he was most hurt by the fact that people he once trusted would try to steal his only valuable possession, when they already owned so much more.

Mr. Boston discovered that he and his father’s property was stolen when he saw “Butch” Strunk on his property with a bulldozer in September 2008. According to Mr. Boston, after a brief

verbal exchange between the two men, Strunk rammed Mr. Boston with the bulldozer requiring him to be life-flighted to an Austin-area hospital. Mr. Boston pressed criminal charges, but the prosecutor in Colorado County presented the matter to the grand jury without a recommendation, and later described the bulldozer incident a “civil property dispute.”

Mr. Strunk, a former County Judge in Colorado County, was not indicted and the complaint against him was dismissed.

During his hospitalization from the bulldozer incident, Mr. Boston’s relatives checked the property records in Colorado County and found that the ownership of the property had in-fact been changed. The County records now show Mr. Strunk listed as the owner of the property.

In recent years, The Texas Attorney General has been busy prosecuting perpetrators of forged deed transactions similar to scheme alleged in the Baines and Boston case. In one such case in Harris County, a group of defendants were accused of orchestrating a complex residential real estate fraud by filing forged documents and backdating signatures to obtain title to at least 40 Houston-area properties.

Complex real estate fraud, like the one alleged in this case, is less likely to be uncovered in rural communities and tend to predominantly target elderly, poor, and minority Texas residents.

This case returns to court on January 11, 2010 in Colorado County, as the district judge will decide whether Messieurs Baines and Boston should be allowed to continue their suit and have a trial, or follow the defendants’ recommendation and dismiss this matter without a trial. The lawsuit, in the 25th District Court in Colorado County, is filed as Cause No. 22448.

For updates on the Baines and Boston real estate dispute, or to read more about fraudulent deeds in Texas, please visit www.ngwolo-banks.com/realestatefraud. Please direct questions or inquiries to Olaidé A. Banks at (713) 328-6834.