

Notice is hereby given pursuant to Section 17.505 of the Texas Deceptive Trade Practices Act - Consumer Protection Code (TEX. BUS. & COM. CODE §§17.41 et. seq.) that the undersigned represents [CLIENT] with regard to the above-referenced transactions.

I. FACTUAL BACKGROUND

[FACTS]

II. BASIS FOR RECOVERY

The Texas Deceptive Trade Practices Act states that “false, misleading, or deceptive acts or practice in the conduct of any trade or commerce are hereby declared unlawful.” The above described acts, conduct, and omissions of ♦ (“Defendant”) constituted false, misleading, or deceptive acts or practices in the conduct of any trade or commerce, and specifically violated the following sections of the Deceptive Trade Practices Act:

- (1) Section 17.46(b)(5), where Defendant represented that “goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have;” and
- (2) Section 17.50(a)(2), which prohibits any breach of an express or implied warranty

III. RELIEF REQUESTED

_____ holds itself out as professional in the _____ industry. (Explain...what did and what want) Yet here, my client has been denied access to _____ instead of being treated fairly. She/he is under undue stress and frustration and has had to hire an attorney in order to get _____ to give her the attention she deserves. My client _____ sustained \$ _____ in damage due to _____. Please see the attached estimates from the _____.

My client wishes to settle this matter amicably and requests that _____ pay for the _____. Additionally, pursuant to Section 17.50 (b)(1) of the Texas Deceptive Trade Practices Act, Attorney's fees to date of \$ _____ which may be ongoing if this matter is not resolved prior to litigation.

IV. DAMAGES

The following is a breakdown of monies lost and or damages incurred:

\$

\$

TOTAL: \$ _____

If you desire to resolve this matter, please contact this office within _____ of your receipt of this letter, so we might avoid necessary time, expenses and additional attorney's fees in litigating this matter.

If this matter remains unresolved after sixty (60) days, a lawsuit will be filed against you under the Texas Deceptive Trade Practices Act, where my client shall seek the maximum damages allowed by law, plus attorney's fees and cost of court. The Texas Deceptive Trade Practices Act-Consumer Protection Act allows for treble damages of all economic losses (insert treble amount) and an additional amount awarded for mental anguish, plus Attorney's fees, for this type of case, could range from \$ _____ to \$ _____.

The actual damages suffered by [CLIENT] are the sum of \$.

This offer of settlement is made pursuant to Section 17.505 of the Deceptive Trade Practices Act. If settlement is not reached within sixty (60) days of this date, I have been authorized to file suit against you, in which case the court may find you liable for **three times** (3 x) the above damages plus attorney's fees and court costs, under Section 17.50 of the Act. Your immediate attention to this matter is requested.