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JENICA TURNER-CLERK
DISTRICT COURT
WOOD COUNTY, TEXAS

JASON ANDERS AND LESLI
ANDERS
Plaintiffs,

V.

DEUTSCHE BANK TRUST
COMPANY, N.A.
Defendant.

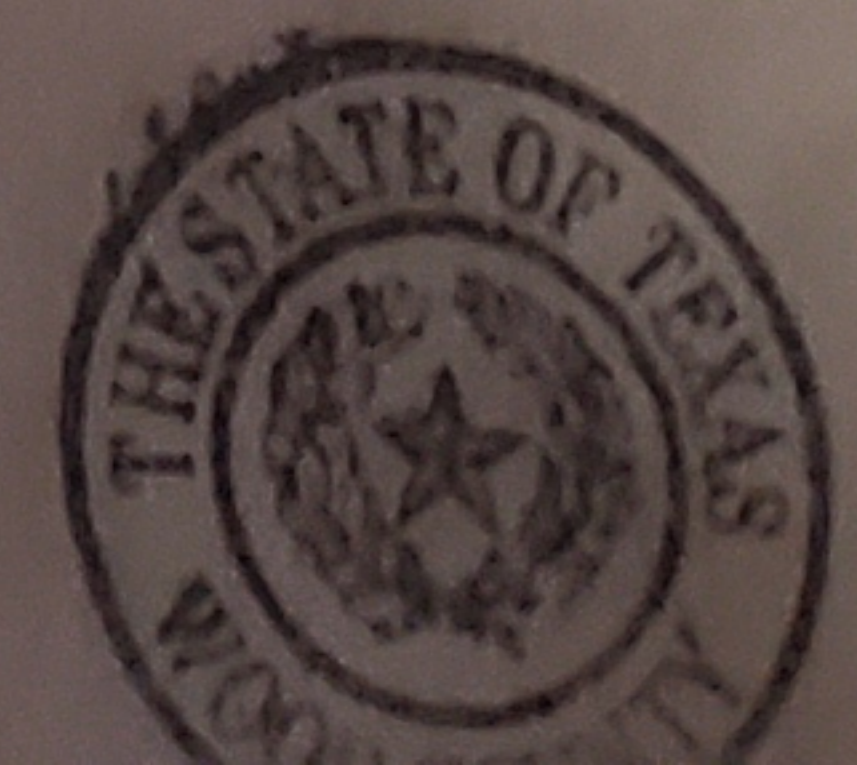
§ IN THE DISTRICT COURT
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§ 402ND JUDICIAL DISTRICT
§
§
§
§ OF WOOD COUNTY, TEXAS

DEFAULT JUDGMENT

At the hearing on this cause, Plaintiffs appeared through their attorney of record. Defendant, although duly cited to appear and answer herein, has failed to file an answer within the time allowed by law.

The Court has considered the pleadings and records on file in this cause and the evidence and is of the opinion that judgment should be rendered for Plaintiffs. The original documents or even a copy of the note on which this cause is based was not produced by Defendant in the eviction suit. There is no proof that said note was lawfully assigned to Defendant in order to give the defendant standing to bring the suit for eviction or foreclosure. When Defendant filed in the JP Court for eviction, their petition did not even include a copy of any documents, although their pleadings states that a Deed of Trust signed by Plaintiff Jason Anders was supposed to be attached to their pleading as Exhibit A. No such copy was attached (See copy of Defendant's pleading attached hereto as Exhibit A and incorporated herein.

Further, the Court finds that the property located at 1205 Wood CR 4730, Winnsboro, Texas 75494 is the subject of this suit and that at all times pertinent to this suit, this property was the homestead property of Jason Anders and wife, Lesli Anders. The Court finds that several provision



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of the Texas Constitution regarding a loan on homestead property were violated. Ameriquet, the original note holder, charged more than 3% of the loan for fees and charges. They closed the loan less than one day after Plaintiffs received a copy of the loan application and a final itemized disclosure of the actual fees, points, interest, costs, and charges that were to be charged at closing. They failed to inform Plaintiff Jason Anders that he had 3 days after closing to request rescission of the loan without penalty or charge, and they violated Constitutional provisions by loaning more than 80% of the fair market value of the home value to Plaintiffs.

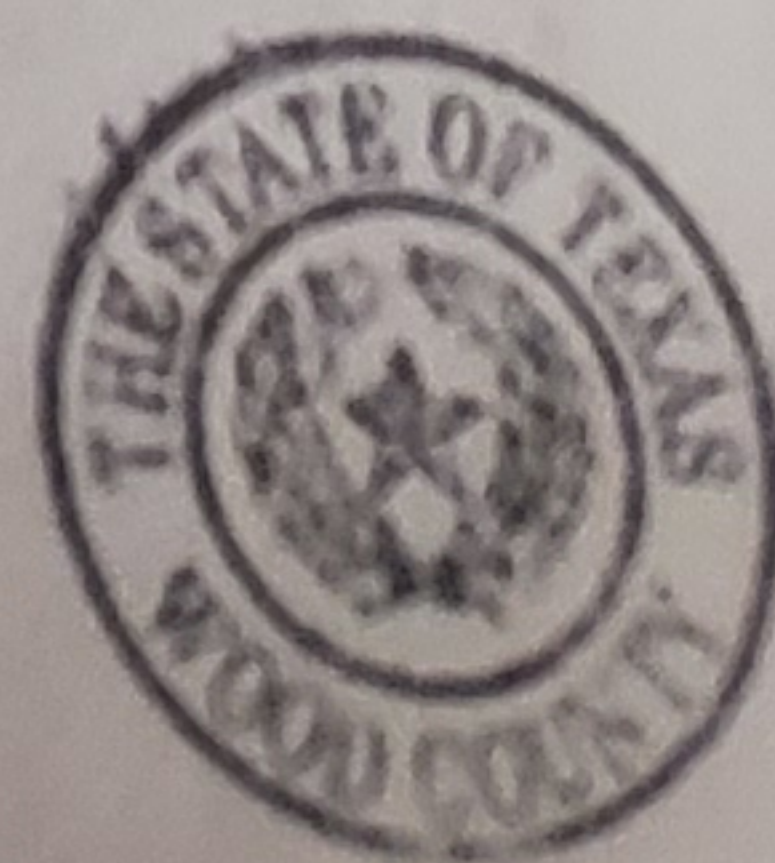
Therefore, in accordance with Section 37 of the Texas Civil Practices and Remedies Code, IT

IS ORDERED, JUDGED AND DECREED that Plaintiffs have Declaratory Judgment as follows:

All instruments evidencing a mortgage or lien by reason of the note made the subject of this suit and the eviction action upon said homestead property are null and void in accordance with Article 16, Section 50 (c) as to Plaintiffs. Also, in accordance with Article 16, Section (Q) (xi) Defendant forfeits all principle and interest on said note.

It is accordingly ADJUDGED that Jason Anders and Lesli Anders, Plaintiffs, recover from Deutsche Bank Trust Company, N.A., Defendant, judgment for-

1. \$ 10,500.00 as attorney's fees; if Defendant does not appeal this judgment to the court of appeals and time for appeal to that court has expired, or if Defendant successfully appeals to the court of appeals, Defendant shall be entitled to a remittitur of \$ 6000.00 against the judgment for attorney's fees; and if Defendant does not appeal from the court of appeals to the Supreme Court of Texas and time for that appeal has expired, or if Defendant successfully appeals to the Supreme Court of Texas, Defendant shall be entitled to a remittitur of \$ 3000.00 against the judgment for attorney's fees;
2. \$ 433.00 for costs of court; and



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It is ORDERED that Plaintiffs shall have all writs of execution and other process necessary to enforce this judgment.

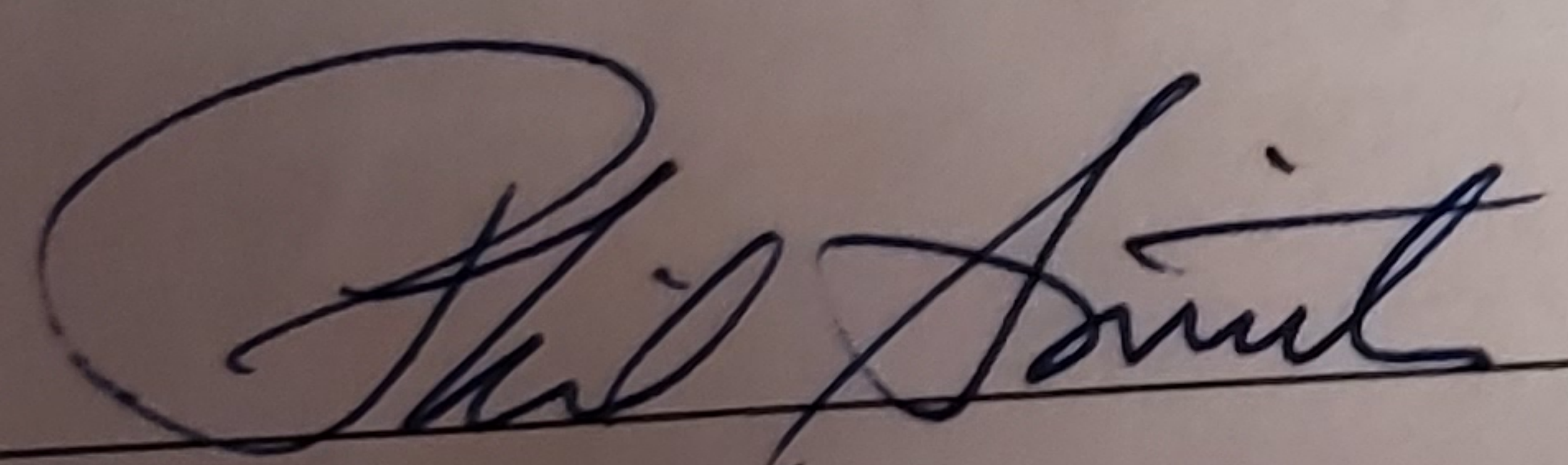
This judgment finally disposes of all parties and all claims and is appealable.

SIGNED on November 8, 2011.

ORIGINAL SIGNED BY
G. TIMOTHY BOSWELL
JUDGE, 402ND JUDICIAL DISTRICT

JUDGE PRESIDING

APPROVED AS TO FORM:



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