

**CAUSE NO. 2022-04896**

<b>ADESUNMBO ADEGBENRO,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<i>Plaintiff</i>	§	
	§	
v.	§	<b>190<sup>TH</sup> JUDICIAL DISTRICT</b>
	§	
<b>BANK OF AMERICA, N.A., ALL</b>	§	
<b>PERSONS UNKNOWN, CLAIMING</b>	§	
<b>ANY LEGAL OR EQUITABLE RIGHT,</b>	§	
<b>TITLE, ESTATE LIEN, OR INTEREST</b>	§	
<b>IN THE PROPERTY DESCRIBED IN</b>	§	
<b>THE COMPLAINT ADVERSE TO</b>	§	
<b>PLAINTIFF’S TITLE, OR ANY CLOUD</b>	§	
<b>ON PLAINTIFF’S TITLE THERETO,</b>	§	
	§	
<i>Defendant.</i>	§	<b>HARRIS COUNTY, TEXAS</b>

**BANK OF AMERICA, N.A.’S ORIGINAL ANSWER**

To the Honorable Judge of said Court:

Defendant Bank of America, N.A., (“BANA”), submits the following:

**I. GENERAL DENIAL**

1. Under, as allowed by, and in accordance with Rule 92, Texas Rules of Civil Procedure, BANA generally denies each and every, all and singular, the allegations in the Plaintiff’s Complaint for Damages, Declaratory Relief – Quiet Title Preliminary and Permanent Injunctive Relief filed herein on January 13, 2022 (the “Complaint”) and demands strict proof hereof by a preponderance of the evidence.

**II. AFFIRMATIVE DEFENSES**

2. BANA is not/cannot be liable for Plaintiff’s claims (which, it denies) in the capacity in which it is sued.

3. Plaintiff fails to state a claim upon which relief can be granted.

4. Plaintiff's claims are barred, in whole or in part, under the doctrine of issue preclusion.

5. Plaintiff's claims are barred, in whole or in part, under the doctrine of claim preclusion.

6. Plaintiff's claims are barred, in whole or in part, under the doctrine of estoppel.

7. Plaintiff's claims are barred, in whole or in part, due to the material breach by the Plaintiff under the subject loan agreement.

8. Plaintiff's claims are barred, in whole or in part, under the doctrine of unclean hands.

9. Plaintiff's claims are barred, in whole or in part, due to the failure to mitigate damages, if any.

10. Any alleged wrongful acts or omissions of BANA, if and to the extent such acts and omissions occurred, were legally excused or justified.

11. BANA is entitled to an offset against any damages to be awarded to Plaintiff, if any, for, among other things, the amounts owed by Plaintiff under the subject loan agreement, for the use and occupation of the subject property, and attorneys' fees incurred by BANA in this suit.

### **III. ATTORNEYS FEES**

12. BANA has retained McGuireWoods LLP and agreed to pay it reasonable fees and costs incurred relative to this proceeding.

### **PRAYER**

13. Wherefore BANA prays that the Court: enter judgment that Plaintiff takes nothing herein against BANA; enter judgment that BANA have and recover from Plaintiff

reasonable attorneys' fees incurred or to be incurred herein and through any appeals or proceedings related hereto; award BANA all court costs; and grant BANA general relief.

Dated: March 7, 2022

Respectfully submitted,

/s/ Taylor W. Meek

Taylor W. Meek, SBN 24100197

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MCGUIREWOODS LLP

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**ATTORNEY FOR DEFENDANT  
BANK OF AMERICA, N.A**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2022, a true and correct copy of the foregoing was served via ECF as follows:

**VIA EMAIL AND**

**VIA CM/RRR No. 7019 2970 0000 8634 9278**

Adesunmbo Adegbenro

15338 Brock Creek Way

Cypress, Texas 77429

Phone: 832-717-5151

*Plaintiff*

/s/ Taylor W. Meek

**Taylor W. Meek**

### Automated Certificate of eService

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Taylor Meek on behalf of Taylor Meek  
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Status as of 3/7/2022 11:07 AM CST

#### Case Contacts

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