

~~PRO SE~~ *My*

~~5023 DENORON DR~~ *My*

~~HOUSTON, TEXAS 77048~~ *My*

In the District Court for the County of Harris in the State of Texas.

(1) Aakil Holdings Trust)

(2) Estate Of Betty J. Groves)

Plaintiff's

V.

(1) Reverse Mortgage Solutions Inc.)

(2) Urban Financial Group Inc.)

(3) 2011 Homes LLC.)

Defendant's

Case No.: **2022 32621**

Ct 165

Complaint:

Wrongful Foreclosure

Constitutional Non-Compliance

Failed Procedural Due Process

FILED

**Marilyn Burgess
District Clerk**

JUN 1 - 2022

Time: 12:00 pm
Harris County, Texas

By *[Signature]*
Deputy

Plaintiffs brings forth the following causes of action and alleges the following:

- 1) **Plaintiff (1)** is a legally defined Trust, formed under Common Law, with legal documents filed in the County of Harris, in the State of Texas, located at 5023 Denoron Dr, Houston, Texas 77048.
- 2) **Plaintiff (2)** is the Probated Estate of Betty J. Groves, in the County of Harris, located at 5023 Denoron Dr, Houston, Texas 77048.
- 3) **Defendant (1)** is a legally defined business entity, operating under the laws of the State of Texas, located at 14405 Walters Rd, Houston, Texas 77014.
- 4) **Defendant (2)** is a legally defined business entity, formed under the laws of the State of Oklahoma, located at 9715 South Yale Ave, Ste. 300, Tulsa, Oklahoma 74137.

5) **Defendant (3)** is a legally defined business entity, formed under the laws of the State of Texas, located at PO Box 741109 Houston, Texas 77274.

Jurisdiction

It is believed the Texas District Court has jurisdiction over this matter according to alleged violations of law in this complaint:

Texas Constitution Article XVI, section 50(a)-(q).

Texas Property Code, Title 5, Chapter 51.

Texas Rules of Civil Procedure, Rule 735 and 736.

Texas Real Estate License Act

Background

On or about 15 August 2008, a mortgage broker for Defendant (1) solicited homeowners Raymond and Betty Groves (Borrowers), both now deceased, then residing at 5023 Denoron Dr, Houston, Texas 77048 to apply for a Home Equity Conversion Loan (HECL). The Groves did apply for the loan at the recommendation of the mortgage broker, Donna Nelson, the niece to Raymond and Betty Groves, and were approved.

There was no Intermediary Relationship Notice disclosure as required under the Texas Real Estate License Act. It is strongly believed that Donna Nelson relationship with the Borrowers lulled them into signing the HECL documents without fully understanding the terms, and without consulting their two sons on such important matters as they customarily do.

After the death of both Borrowers (Raymond Groves 2014) and (Betty J. Groves 2018) their Will was probated on or about 30 April 2019 **[County Probate Court No. 4, Docket No.475109]**.

On or about 21 February 2020 the Heirs of the Groves Estate (Plaintiff 2) lawfully conveyed the real estate asset in question, with a mailing address of 5023 Denoron Dr., Houston, Texas 77048 to the Aakil Holdings Trust (Plaintiff 1). [Harris County File RP-2020-86454].

On or about March 2020, Plaintiff (2) was notified by Defendant (1) of a property auction to include the property in question at 5023 Denoron Dr, Houston, Texas 77048. No notice of a foreclosure action was ever given or filed by defendant's (1) or (2) as required by law.

The property in question was auctioned in March 2020, and purchased by Defendant (3). Defendant (3) then notified Plaintiff (2) of its purchase and of its intent to secure a writ of possession. Defendant (3) failed to assess the validity of the auctioned property it purchased by ensuring a judicial process took place granting the foreclosure sale.

Plaintiff's (1) and (2) began looking at legal remedies to address the actions of all Defendants. **It was during that time when the COVID 19 Pandemic hit, consequently shutting the Courts until March 2022.**

The Plaintiff's responded to a legal notice in Harris County Justice Court, Pct. 7 Place 1 [**Case No.207100122264**] brought on by Defendant (3) regarding a Writ of Possession on or about March 2022. The Plaintiff's received a judgement in the JP Court, which prompted Defendant (3) to file an appeal in Harris County Civil Court 4 [**Case No.1182819**].

On or about April 2022, Defendant (3) was awarded a judgement on appeal in a "Zoom Meeting Hearing". There was no interaction between the Plaintiff's and Defendant (3) during the entire process. The magistrate rendered a ruling without reviewing any evidence from Plaintiff's. Plaintiff's posted the required bond and appealed the ruling.

Upon investigating the merits of this matter the Plaintiff's found numerous violations of law on the part of Defendant's (1) and (2) to void the HECL, thereby nullifying the sale of the property in question, leading to the filing of this Complaint.

The Plaintiff's will be immediately and irreparably harmed if the writ of possession were to issue for reason that the Plaintiff's will lose possession and/or access to the property, also putting the residing veteran in a homeless status during the pendency of this suit to determine ownership and title to the property.

Legal Standards

- 1) Loan was not closed at required venue
[Tex. Const. art. XVI, Sec. 50(a)(6)(N)]
- 2) Loan foreclosed on without a court order
[Tex. Const. art. XVI, Sec. 50(a)(6)(D)]
- 3) Required Intermediary Relationship Notice
[Texas Real Estate License Act]
- 4) All other requirements of the Texas Constitution regarding HECL's
[Article XVI, section 50(a)-(q)]
- 5) Texas Property Code, Title 5, Chapter 51.
- 6) Texas Rules of Civil Procedure, Rule 735 and 736.

Case Law

- 1) Wood v. HSBC USA NA
- 2) Garofolo v. Ocwen Loan Servicing LLC

Remedy

- 1) Set aside foreclosure sale
- 2) Quiet Title
- 3) Stop JP Court Writ of Possession Actions (Seeking Permanent Injunction)

Damages

Wherefore, Plaintiff's seek compensatory damages, plus all costs incurred by Plaintiff's in connection with these actions.

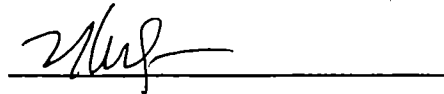
- 1) Compensatory - \$199,000.00
[McGinnis v. American Home Mortgage Servicing]

Respectfully Submitted this 27th day of May, 2022

Norris W. Groves

Independent Executor – Estate of Betty J. Groves

Its: Plaintiff



Raymond Groves

Trustee – Aakil Holdings Trust

Its: Plaintiff



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