

CAUSE NO. _____

NESLY VICTOR AND
BRIAN A. BREWER - TRUSTEE

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IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

FIRST GUARANTY MORTGAGE
CORPORATION

_____ JUDICIAL DISTRICT

STATE OF TEXAS

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COUNTY OF HARRIS BEND

KNOW ALL MEN BY THESE PRESENTS:

AFFIDAVIT OF NESLY VICTOR

BEFORE ME, the undersigned authority, on this day personally appeared Nesly Victor who, being duly sworn, deposes and says:

1. "My name is Nesly Victor. I am the Plaintiff in the above-captioned lawsuit. I have read the Plaintiff's Original Petition, Application for Injunctive Relief, and Request for Disclosures to which this Affidavit relates and offer this Affidavit in support of the statements and arguments asserted therein.
2. The subject matter of this lawsuit is the real property and the improvements thereon located at 20703 Cameo Rose Drive, Cypress, TX 77433 (the "Property").
3. My wife Marie and I purchased the Property on or about December 30, 2013. During the process of purchasing the Property, I executed a Note in the amount of \$277,319 as well as a Deed of Trust in which Everett Financial, Inc. is listed as the Lender.
8. Upon information and belief, the Note and Deed of Trust were subsequently transferred to First Guarantee Mortgage Corporation ("FGMC") which also acts as the loan servicer.
9. I began to have financial difficulties during the term of the loan. Realizing that I may soon become in default on my mortgage payments, I entered into debt restructuring negotiations with FGMC in order to modify the terms and conditions of the loan.
10. I was offered a loan modification by FGMC during June 2016. I began obtaining and submitting the requested documents. During the next several months, I continued to submit my financial documents in response to FGMC's requests for additional financial information. Additionally, FGMC's representatives told me to cease making mortgage payments until the loan modification was completed. I became extremely worried about not making mortgage payments and frustrated that FGMC kept losing documents so I began contacting FGMC to make sure my home was safe. FGMC's representatives assured me that they would take no action to foreclose on my Property while in loan modification status even though I was not making payments.

11. I thought all was well and my loan modification was imminent until I began receiving advertisements from lawyers who informed me that my house was posted for foreclosure sale on June 6, 2017 and offered their representation. Apparently, FGMC had initiated foreclosure proceedings despite their assurances to me that FGMC would take no action to foreclose while I was in loan modification status. I have not received a Notice of Foreclosure Sale nor have I received a Notice of Acceleration.
12. I was approached by Brain A. Brewer - Trustee ("Brewer") who offered to help me if I transferred my interest in the Property to Brewer subject to the mortgage held by FGMC.

I have read the foregoing Affidavit and attest that the information contained therein is true and correct in all respects based upon my personal knowledge.



NESLY VICTOR

SUBSCRIBED AND SWORN TO BEFORE ME on this the 2nd day of June, 2017.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



My commission expires:
March 07, 2018