

NO. 202153589

TARWONIA ALBROW

IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

SANDY ANN FORSYTHE,
INDIVIDUALLY,
NEW MILLENIA PROPERTIES, LLC
JUSTINA DE PASQUALE,
INDIVIDUALLY, AND
LOST THICKET TRUST

157TH JUDICIAL DISTRICT

UNOPPOSED MOTION FOR INTERPLEADER

COMES NOW Interpleader, PAUL A. HOEFKER as Substitute Trustee under the Deed of Trust between Calvin Albrow and Tarwonia Albrow, as Grantors, and Thomas E. Black, Jr., as trustee, and SAECAP Mortgage, Inc., dba Statewide Mortgage & Lending, as Beneficiary, Recorded 11/12/2018, as Instrument No. Y698346, in the Deed Records of Harris County, Texas, (“Trustee”) by and through its undersigned counsel of record and petitions the court as follows:

1. Substitute Trustee (“Trustee”) is an attorney, licensed in the State of Texas. Trustee provides trustee services, and in the matter at hand, acted as a substitute trustee when the non-judicial foreclosure sale was completed on February 1, 2022, on behalf of assignee Wilmington Savings Fund Society FSB, as Trustee of Stanwich Mortgage Loan Trust I, pursuant to a Deed of Trust and Promissory Note encumbering property owned by Calvin Albrow and Tarwonia Albrow, as Grantors, and Thomas E. Black, Jr., as trustee, and SAECAP Mortgage, Inc., dba Statewide Mortgage & Lending, as Beneficiary, Recorded 11/12/2018, as Instrument No. Y698346, in the Deed Records of Harris County, Texas. The subject Property sold is described as follows:

LOT FORTY-TWO (42), IN BLOCK TWO (2) OF SOUTHWEST CROSSING, SECTION FOUR (4) AN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 317, PAGE 65, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

Commonly known as 6822 Lost Thicket Drive, Houston, Texas 77085.

2. The Property was purchased at the Trustee's Sale by a third party purchaser and after distribution of the proceeds, Trustee currently has possession of excess proceeds from the non-judicial foreclosure sale in the amount of \$57,403.14. ("excess proceeds"). The Plaintiff or Defendants may have an interest in the excess proceeds as of the sale date of February 1, 2022.

3. The Plaintiff and Defendants herein may claim to be entitled to all or a portion of the excess proceeds from the non-judicial foreclosure sale of the Property. Trustee is without direction as to the disposition of the excess proceeds currently in its possession.

4. Trustee neither has nor claims any interest in the excess proceeds from the non-judicial foreclosure currently in its possession and has at all times been willing to pay the funds to such person or persons as should be lawfully entitled to receive them and to whom Trustee could safely and without hazard to itself pay the same.

5. Trustee offers to bring the excess proceeds currently in its possession into the court at such time and under such conditions as the court may direct.

6. Trustee is not in collusion with any of the respondents and has not brought this suit in interpleader at the request of any of the respondents but has filed of its own free will in order to avoid being subjected to double costs and liability and to avoid unnecessary suits.

ATTORNEY'S FEES

Trustee has engaged the services of Aldridge Pite, LLP, as its attorney to defend its interests and to institute this cause and prosecute it to an end. Trustee is entitled to fees and costs in this

matter pursuant to Texas law in the reasonable amount of \$900.00 plus filing fees and service costs.

PRAYER FOR RELIEF

This action for Interpleader is Trustee's only means of protecting itself from litigation in which he has no interest.

WHEREFORE, Trustee respectfully prays that:

1. This Court enter an Order requiring the parties hereto to interplead in this case and to settle their respective rights to the sum that is now in possession of Trustee;
2. This Court enter an Order authorizing and directing Trustee to pay into the registry of the Court the approximate sum of Fifty-Seven Thousand Four Hundred Three and 14/100 Dollars (\$57,403.14);
3. This Court enter a decree restraining the Parties hereto from commencing in any Court any action against Trustee wherein Plaintiff or Defendants, collectively or individually, in any manner seek to recover the sum that is now in possession of Trustee, or any part of the sum, or to recover damages from Trustee for failure of Trustee to deliver the sum of money to either Party herein.
4. This Court enter a decree forever releasing and discharging Trustee from all liability to respondents in this case on account of the matter relating to this case;
5. This Court enter an Order Dismissing Trustee from the present suit once service has been achieved.
6. The Court determine the amount of reasonable attorney's fees to be paid to the attorney of Trustee for service to Trustee in this case and enter a decree authorizing and directing these attorney's fees, and all court costs and expenses incurred in this case respectively, to be paid

out of the aforesaid approximate sum of Fifty-Seven Thousand Four Hundred Three and 14/100 Dollars (\$57,403.14); and

7. For other such relief as the Court deems just and appropriate.

DATED on August 3, 2022.

Respectfully submitted,

ALDRIDGE PITE, LLP

/s/ Paul A. Hoefker

Paul A. Hoefker
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ATTORNEY FOR TRUSTEE

CERTIFICATE OF CONFERENCE

I have spoken to the attorney for the Plaintiff and the attorney for the Defendants. Both parties agree to this interpleader action.

/s/ Paul A. Hoefker

Paul A. Hoefker

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing interpleader has been forwarded to all known parties herein on August 3, 2022.

/s/Paul Hoefker

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Paul Hoefker on behalf of Paul Hoefker

Bar No. 9772800

hoefker@aol.com

Envelope ID: 66925873

Status as of 8/3/2022 12:34 PM CST

Case Contacts

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