

4. Plaintiff's claims are barred, in whole or in part, due to their failure to satisfy one or more conditions precedent.
5. Plaintiff's claims are barred, in whole or in part, by the Statute of Frauds.
6. Plaintiff's claims are barred, in whole or in part, due to their failure to tender or offer to tender the full amount due on the loan that is the subject of this action and because the mortgagor failed to make payments as agreed and therefore is in default and breached the loan agreement that is the subject of this action.
7. Plaintiff's claims are barred, in whole or in part, because Plaintiff is unable to prove their alleged losses, damages, and/or injuries in accordance with Texas or other applicable law.
8. Plaintiff lacks standing to pursue the claims enumerated in the Petition.
9. Plaintiff's enumerated claims against Defendant have no basis in law or fact.
10. Plaintiff has not suffered any damages proximately caused by Defendant's conduct.

Reservation of Rights

11. Defendant reserves the right to further plead any and all defenses, affirmative or otherwise, and all other counterclaims.

Attorney's Fees

12. It was necessary for Defendant to secure the services of the Law Office of Gerald M. Shapiro, LLP, licensed attorneys, to prepare and defend this suit. Judgment for attorney's fees and expenses through final judgment after appeal should be granted against Plaintiffs and in favor of Defendant's attorney; or, in the alternative, Defendant requests that reasonable attorney's fees and expenses through final judgment and appeal be taxed as costs and be ordered to be paid directly to Defendant's attorney, who may enforce the order for fees in the attorney's own name.

Prayer

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that this court: **DENY** all relief requested by Plaintiff and enter judgment that Plaintiff take nothing, dismiss Plaintiff's suit with prejudice, assess costs against Plaintiff and award Defendant attorney's fees, expenses and costs; and **GRANT** Defendant all other relief in equity or at law to which it may show itself justly entitled.

THE LAW OFFICE OF GERALD M. SHAPIRO LLP

By: /s/ William Jennings

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Automated Certificate of eService

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William Jennings on behalf of William Jennings

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Status as of 9/15/2022 11:42 AM CST

Case Contacts

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