10/10/2022 1:16 PM Marilyn Burgess - District Clerk Harris County Envelope No. 69059683 By: EVELYN PALMER Filed: 10/10/2022 1:16 PM

#### NO. 2022-63076

RICHARD KYLE JANKOWIAK & BIANCA KIRK Plaintiffs, Debtors	§	IN THE DISTRICT COURT	8 Pc
vs.	, §	HARRIS COUNTY, TEXAS	
GUILD MORTGAGE	\$ \$ \$	133 <sup>rd</sup> JUDICIAL DISTRICT	
Defendants	· §		

### ORDER FOR NONSUIT AND VOLUNTARY DISMISSAL

IT IS ORDERED that the Joint Motion for Nonsuit and Voluntary Dismissal of all claims is **GRANTED**. The above styled lawsuit, Cause No. 2022-63076 is dismissed without prejudice to the rights of the parties.

SIGNED ON Otober 10, 2022

Jupge Presiding

APPROVED AS TO FORM AND SUBSTANCE

/s/ JAMES RIVERA

James Rivera Attorney for Plaintiff 1004 Prairie St. Suite 300 Houston, TX 77002 Bar no: 24007921 Phone: (713) 521-7373

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RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

### NO. 2022-63076

RICHARD KYLE	§	IN THE DISTRICT COURT
JANKOWIAK &	§	
<b>BIANCA KIRK</b>	§	
Plaintiffs, Debtors	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
	§	
<b>GUILD MORTGAGE</b>	§	
	<b>§</b> .	133 <sup>RD</sup> JUDICIAL DISTRICT
Defendants	§	

# **NOTICE OF NON-SUIT**

### TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW RICHARD JANKOWIAK and BIANCA KIRK, Plaintiffs herein, filing this their Notice of Non-Suit and would respectfully show the Court as follows:

- 1. Plaintiffs filed their Original Petition, Application for Injunctive Relief on September 29, 2022.
- 2. Plaintiff's counsel, via telephone and email, discussed the particular timing and plans of plaintiffs to sell the said property by the end of October, 2022. Counsels reasonably concluded that the sale of the property is now pending final title closing as described in their original pleadings, and will dispense with and further need for a trial in this matter.
- 3. All claims in this case against Defendant which were or could have been asserted by Plaintiffs are dismissed without prejudice.
- 4. Plaintiffs shall bear the costs of court.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the Court take notice of this Notice of Non-Suit and enter an order dismissing Plaintiffs' claims against Defendant with prejudice.

Respectfully submitted,

By: /s/ JAMES RIVERA

JAMES RIVERA

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ATTORNEY FOR PLAINTIFFS

# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was forwarded to trustee counsel for GUILD MORTGAGE on October 10, 2022.

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/s/ JAMES RIVERA
James Rivera