

No. 202254765

EDDIE C. LINDSEY,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
VS.	§	HARRIS COUNTY, T E X A S
	§	
WBL SPO I, LLC and	§	
WORLD BUSINESS LENDERS, LLC,	§	
	§	
Defendants.	§	152ND JUDICIAL DISTRICT

DEFENDANTS' MOTION FOR SANCTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendants WBL SPO I, LLC and WORLD BUSINESS LENDERS, LLC (collectively, "WBL") and file this their Motion for Sanctions, and in support thereof would show the Court as follows:

I.

INTRODUCTION

1. On August 31, 2022, EDDIE C. LINDSEY, by and through counsel, filed this lawsuit in order to stop a foreclosure sale scheduled for Tuesday, September 6, 2022. LINDSEY filed a pleading entitled "Plaintiff's Original Petition, Application for Injunctive Relief, Demand for an Accounting, and Request for Disclosures" (the "Petition"). The Petition has four exhibits attached thereto, one of which is an Affidavit of Eddie C. Lindsey (the "Affidavit"). A true and correct copy of the Affidavit is attached hereto as Exhibit "1" and is incorporated herein by reference for all purposes as if set forth herein verbatim. The Affidavit, which was notarized by Anna Potra, was signed by LINDSEY on August 30, 2022.

2. On August 31, 2022 at 2:30 PM, the Ancillary Judge, Hon. Tanya Garrison, heard LINDSEY's Application for Injunctive Relief and, at 3:18 PM, Judge Garrison signed a Temporary Restraining Order which enjoined WBL from conducting the foreclosure sale which was scheduled for September 6, 2022.

II.

THE AFFIDAVIT AND THE PETITION WERE SIGNED AND FILED IN BAD FAITH.

3. On August 26, 2022, four days before LINDSEY signed the Affidavit and five days before the Petition was filed, LINDSEY signed a Special Warranty Deed (the "Deed") wherein he conveyed the subject property¹ to Spring Creek Trust II, Justina De Pasquale as Trustee ("De Pasquale"). A certified copy of the Deed is attached hereto as Exhibit "2" and is incorporated herein by reference for all purposes as if set forth herein verbatim.

4. In the Affidavit, in two separate places,² LINDSEY refers to the subject property as "my" property. He does so even though, as of the date he signed the Affidavit, he was no longer the owner of the property because, four days earlier, he had conveyed the property to De Pasquale (see Exhibit "2"). In addition, in paragraph 1 of the Affidavit, LINDSEY swore that he had read the Petition.

5. In the Petition, there are numerous instances where the subject property is referred to as LINDSEY's property.

6. In paragraph 10, the property is described as "Plaintiff's Property."

7. In paragraph 11, referring to LINDSEY, the property is described as "his Property."

¹The subject property is located at 2700 Spring Creek Drive, Spring, TX 77373.

²See Exhibit "1" paragraphs 7 ("my Property") and 9 ("my Property").

8. In paragraph 13, referring to LINDSEY, the property is described as “his Property.”
9. In paragraph 15, referring to LINDSEY, the property is described as “his Real Property.”
10. In paragraph 50, the property is described as “Plaintiff’s Property.”
11. As stated previously in paragraph 4, LINDSEY swore under oath that he had read the Petition. The implication is clear: LINDSEY approved the lawsuit (which in five separate places refers to the property as “his” property) even though he had already conveyed the property to De Pasquale (see Exhibit “2”).
12. LINDSEY swore out a false oath. The Affidavit contains falsehoods, and LINDSEY knew his statements were false because he signed the Deed. Moreover, LINDSEY allowed and instructed his attorney to file the Petition even though he knew the Petition contains numerous falsehoods.
13. This begs the question: did the attorney who signed and filed the Petition (Clay Vilt) know that the Petition and Affidavit contained falsehoods? Based on Vilt’s other transactions involving De Pasquale, the answer is yes.
14. WBL requests this Court to take judicial notice of Exhibit “3,” which is a printout from the website of the Harris County Clerk. The printout shows that, since January 1, 2019, De Pasquale was the Grantee on 20 different deeds.
15. The undersigned attorney undertook a search of the Harris County District Clerk’s records. Those records reveal that, for each deed listed in Exhibit “3,” one or both Grantors filed a lawsuit against their mortgage company, **and each and every lawsuit was filed by Clay Vilt**. WBL requests this Court to take judicial notice of these lawsuits. A list of the lawsuits is attached hereto as Exhibit “4” and is incorporated herein by reference for all purposes as if set forth herein verbatim.

16. The obvious inference from Exhibits "3" and "4" is that, when he signed and filed the Petition, Clay Vilt knew that LINDSEY was no longer the owner of the subject property and therefore he filed the Petition knowing full well that the Petition contained falsehoods. Moreover, when he stood before Judge Garrison and asked her to grant the TRO, he knew that LINDSEY no longer owned the subject property.

17. The foregoing supports the conclusion that the Petition and the Affidavit are groundless and were filed in bad faith within the meaning of Rule 13, Tex. R. Civ. P.

III.

RELIEF REQUESTED

18. Pursuant to Rule 13's tie-in with Rule 215, WBL requests monetary sanctions against LINDSEY in the amount of \$7,500.00 which represents the amount that WBL has spent on legal fees associated with [1] preparing for the September 6 sale which was enjoined on the basis of the challenged pleadings, and [2] responding to LINDSEY's groundless lawsuit and preparing this Motion.

19. In addition, WBL requests the Court to dismiss this lawsuit with prejudice.

Respectfully submitted,

WELLS & CUELLAR, P.C.

/s/ James E. Cuellar

James E. Cuellar

State Bar No. 05202345

D. Brent Wells

State Bar No. 21140900

Jeffrey D. Stewart

State Bar No. 24047327

440 Louisiana, Suite 718

Houston, Texas 77002

(713) 222-1281 Telephone

(713) 237-0570 Fax

Email: jcuellar@wellscuellar.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion for Sanctions**

has been forwarded to:

Robert C. Vilt
Vilt Law, P.C.
5177 Richmond Ave., Suite 1142
Houston, Texas 77056

by electronic filing notification and/or electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 18th day of November, 2022.

/s/ James E. Cuellar

8229x014.pjj

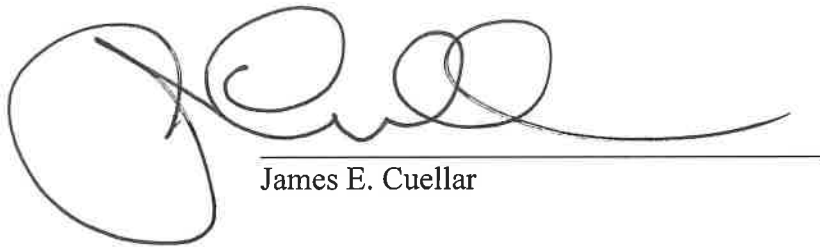
STATE OF TEXAS

§
§
§

VERIFICATION

COUNTY OF HARRIS

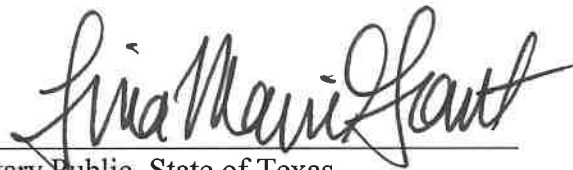
BEFORE ME, the undersigned authority, on this day personally appeared **James E. Cuellar**, counsel of record for Defendants WBL SPO I, LLC and WORLD BUSINESS LENDERS, LLC who, after being by me duly sworn, upon his oath deposed and stated that he is duly competent and qualified to make this Affidavit; that he has read the foregoing **Motion for Sanctions**; and that the factual averments contained in paragraphs 14, 15 and 18 therein are true and correct to the best of his knowledge, information, and/or belief.



James E. Cuellar

18th

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this day of November, 2022.



Notary Public, State of Texas

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.

Tina Grant on behalf of James Cuellar
Bar No. 05202345
tgrant@wellscuellar.com
Envelope ID: 70329446
Status as of 11/18/2022 4:28 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert C.Vilt		clay@viltlaw.com	11/18/2022 3:59:11 PM	SENT
James E.Cuellar		jcuellar@wellscuellar.com	11/18/2022 3:59:11 PM	SENT