

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GLYNDA MOORE ALLDREDGE,

§

Plaintiff,

§

§

v.

§

Civil Action No. 4:22-cv-03745

§

§

**REVERSE MORTGAGE FUNDING,
LLC,**

§

§

§

Defendant.

§

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Section 1446(a), Defendant Reverse Mortgage Funding, LLC (“Defendant” or “RMF”) files this notice of the removal of this action from the 152nd Judicial District Court, Harris County, Texas. Defendant submits this Notice in support of removal. Removal is based on the ground that diversity jurisdiction exists over this action because there is complete diversity and the amount in controversy exceeds \$75,000.00, pursuant to 28 U.S.C. Section 1332. Defendant respectfully shows as follows:

INTRODUCTION

1. On or about September 29, 2022, Glynda Moore Alldredge (“Plaintiff”) filed *Plaintiff’s Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Injunctive Relief* (the “Petition”) bearing Cause No. 2022-63224, in the 152nd Judicial District Court, Harris County, Texas, styled *Glynda Moore Alldredge v. Reverse Mortgage Funding, LLC* (the “State Court Action”). A true and correct copy of the Docket Sheet from the State Court Action is attached hereto as **Exhibit A**. In accordance with 28 U.S.C. Section 1446(a), copies of all process, pleadings, and orders served in the State Court Action are attached hereto within the contents of **Exhibit B**.

2. The allegations in the Petition relate to a deed of trust and foreclosure proceedings on Plaintiff's real property and improvements located at 3809 Jack Street, Houston, Texas 77006, and more particularly described as:

TRACT ONE AND TRACT TWO OF WEST ALABAMA SQUARE, AN ADDITION TO THE CITY OF HOUSTON HARRIS COUNTY, TEXAS MORE FULLY DESCRIBED: TRACT ONE: LOT FIVE (5) BLOCK ONE (1) OF WEST ALABAMA SQUARE, AN ADDITION TO THE CITY OF HOUSTON, HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER- FILM CODE NO. 406071 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. TRACT TWO: ACCESS BASEMENT A 16 FOOT SHARED DRIVEWAY AS SET OUT ON THE RECORDED PLAT OF WEST ALABAMA SQUARE, AN ADDITION TO THE CITY OF HOUSTON, HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED FILM CODE NO 406071 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. 3809 JACK STREET, HOUSTON, TX 77006 APN: 119-753-001-0005 BEING THE SAME PROPERTY CONVEYED TO CALVIN GLEN ALLDREDGE AND WIFE, SHEILA LAWANN ALLDREDGE BY DEED FROM PERRY HOMES, A TEXAS JOINT VENTURE RECORDED 05/21/1999 IN DEED T737284, IN THE REGISTER'S OFFICE OF HARRIS COUNTY, TEXAS.

(the "Property"). (*See Petition* ¶8.) In the Petition, Plaintiff alleges Defendant's scheduled foreclosure of the Property is unlawful because Defendant allegedly violated U.S. Department of Housing and Urban Development ("HUD") Regulations. (*See Petition* ¶7.) Plaintiff seeks a declaratory judgment that the scheduled foreclosure sale is unlawful and injunctive relief to prohibit foreclosure of the Property. (*See Petition* at ¶¶ 46-51, Prayer.) Plaintiff also seeks "expenses, costs, and interest as allowed by law." (*See id.* at Prayer).

3. This Notice of Removal is timely because thirty (30) days have not expired since the State Court Action was filed, making removal proper in accordance with 28 U.S.C. Section 1446(b).

4. This action is removable to federal court pursuant to 28 U.S.C. Section 1441

because it could have been filed originally in this Court pursuant diversity jurisdiction conferred by 28 U.S.C. Section 1332.

BASIS FOR REMOVAL – DIVERSITY JURISDICTION

A. There is diversity between the parties.

5. There is diversity jurisdiction in this Court because there is complete diversity of citizenship between Plaintiff and Defendant, and more than \$75,000 is in controversy, exclusive of interest and costs. *See* U.S.C. § 1332.

6. Plaintiff is an individual and citizen of the state of Texas (*See Petition* ¶2.)

7. RMF is a limited liability company. For diversity purposes, the citizenship of a limited liability company is determined by the citizenship of its members. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). The sole member of RMF is Reverse Mortgage Investment Trust, Inc., which is a Maryland corporation with its principal place of business in Maryland. Therefore, RMF is a citizen of Maryland for purposes of diversity jurisdiction.

8. Because Plaintiff and Defendant do not share a state citizenship, there is diversity of citizenship.

B. The amount in controversy exceeds \$75,000.00.

9. The amount in controversy exceeds the sum or value of \$75,000.00. Plaintiff seeks injunctive relief to prevent foreclosure of the Property. (*See Petition* at ¶¶ 46-51.)

10. When declaratory or injunctive relief is sought, the amount in controversy is measured by the value of the object of the litigation, and the value of that right is measured by the losses that will follow. *Webb v. Investacorp, Inc.* 89 F.3d 252, 256 (5th Cir. 1996). Stated differently, “the amount in controversy, in an action for declaratory and injunctive relief, is the value of the right to be protected or the extent of the injury to be prevented.” *Leininger v. Leininger*,

705 F.2d 727, 729 (5th Cir. 1983); *see also Lamarr v. Chase Home Finance, LLC*, 2008 WL 4057301 (N.D. Miss. 2008) (finding amount in controversy requirement was satisfied where plaintiff sought to set aside foreclosure sale and home appraised for \$83,000.00, plus unspecified amount of monetary damages); *Bank of America National Trust and Sav. Assoc. v. Reeves*, 1995 WL 96617, *1 (E.D. La. 1995) (court held that the amount in controversy was met in action seeking to enjoin foreclosure on property because the suit “puts at issue the entire value of the property on which they attempt to enjoin defendants from foreclosing.”).

11. “Reasonable bases for valuing properties include ‘purchase price, market value, or outstanding principal and interest.’” *McPherson v. Bank of Am., N.A.*, No. H-16-3498, 2016 U.S. Dist. LEXIS 180115, at *6 (S.D. Tex. Dec. 30, 2016) (citations omitted).

12. Plaintiff seeks injunctive relief to prevent foreclosure of the Property. (*See* Petition at ¶¶ 46-51.) Therefore, through the request for injunctive relief, Plaintiff has put an amount in controversy equal to the value of the Property. The Harris County Central Appraisal District’s most recent valuation of the Property shows a total assessed value of the Property at \$445,546.00. (*See* Exhibits C, C-1). For this reason alone, the amount in controversy exceeds \$75,000.00.

VENUE

13. Venue for removal is proper in this district and division, the United States District Court for the Southern District of Texas, Houston Division, under 28 U.S.C. Section 1441(a) because this district and division embrace the 152nd Judicial District Court, Harris County, Texas, the forum in which the removed action was pending.

NOTICE

14. Pursuant to 28 U.S.C. Section 1446(d), a copy of this Notice is being filed with the Clerk of Court for the 152nd Judicial District Court, Harris County, Texas.

15. The contents of Exhibit B constitute the entire file of the State Court Action.

CONCLUSION

For the reasons described above, Defendant respectfully requests this Court take jurisdiction over this matter and proceed as if it had been originally filed herein.

Respectfully submitted,

By: /s/ Mark D. Cronenwett

MARK D. CRONENWETT

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ATTORNEYS FOR DEFENDANT

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INDEX OF DOCUMENTS ATTACHED

- Exhibit A Copy of the Docket Sheet for Cause No. 2022-63224 in the 152nd Judicial District Court, Harris County, Texas;
- Exhibit B Pleadings in Cause No. 2022-63224 in the 152nd Judicial District Court, Harris County, Texas;
- B-1 Plaintiff's Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Injunctive Relief, September 29, 2022;
- B-2 General Affidavit; September 29, 2022;
- B-3 Certificate of Compliance; September 29, 2022;
- B-4 Order Granting Temporary Restraining Order; September 30, 2022;
- B-5 Clerk's Certificate of Cash Deposit, September 30, 2022;
- Exhibit C Declaration of Mark D. Cronenwett; and
- C-1 Print out from the Harris County, Texas Appraisal District web-site, October 27, 2022

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via regular U.S. mail on October 28, 2022 on the following counsel of record:

James Minerve
13276 N. Highway 183, Suite 209
Austin, Texas 78750
Attorney for Plaintiff

/s/ Mark D. Cronenwett
MARK D. CRONENWETT