

**CAUSE NO. 2022-83093**

**MICHAEL T. JORDAN,**

*Plaintiff,*

v.

**RUSHMORE LOAN MANAGEMENT  
SERVICES, LLC; US BANK NATIONAL  
ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY BUT SOLELY  
AS TRUSTEE FOR THE RMTP TRUST,  
SERIES 2019-C; AND MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.,**

*Defendants.*

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**IN THE DISTRICT COURT**

**295<sup>th</sup> JUDICIAL DISTRICT**

**HARRIS COUNTY, TEXAS**

**DEFENDANTS' ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Defendants Rushmore Loan Management Services, LLC, U.S. Bank National Association, not in its Individual Capacity but Solely as Trustee for the RMTP Trust, Series 2019-C, and Mortgage Electronic Registration Systems, Inc. (jointly "Defendants") files this Original Answer to Plaintiff's Original Petition ("Petition") filed herein on December 23, 2022 by Plaintiff Michael T. Jordan ("Plaintiff") and in support hereof respectfully shows the Court as follows:

**GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants deny each and every, all and singular allegations contained in Plaintiff's Petition and demands strict proof thereof.

## **AFFIRMATIVE DEFENSES**

1. Plaintiff's claims fail, in whole or in part, because the allegations fail to state a cause of action upon which relief can be granted.
2. Plaintiff's claims fail, in whole or in part, because they do not state a claim upon which relief may be granted.
3. Plaintiff's claims fail, in whole or in part, because any wrongful act or omission alleged to have been committed by Defendants was a good faith result of a bona fide error.
4. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitation for each claim.
5. Plaintiff's claims fail, in whole or in part, any alleged wrongful acts or omissions of Defendants, if and to the extent such acts and omissions occurred, were legally excused or justified.
6. Plaintiff's claims are barred by the doctrines of estoppel, release, and/or waiver.
7. Plaintiff's claims fail, in whole or in part, as the terms of the underlying loan have not been complied with.
8. Plaintiff's claims fail, in whole or in part, for failure to perform conditions precedent, including, but not limited to, paying the underlying loan as agreed, tendering the amount of the debt and/or purchase price, and/or providing the mortgagee with good and sufficient notice of its requests, claims and/or demands.
9. Plaintiff's claims are barred, in whole or in part, because Plaintiff has unclean hands.
10. Plaintiff's claims are barred, in whole or in part, as Plaintiff's damages, if any, were caused or contributed to by Plaintiff's prior breach of contract.

11. Defendants are entitled to an offset against any damages to be awarded to Plaintiff for, among other things, the amounts owed by Plaintiff under the loan agreement, for the use and occupation of the subject property, and attorneys' fees incurred by Defendants in this suit.

**PRAYER**

WHEREFORE, Defendants pray Plaintiff's Petition be, in all things, denied, the Court to dismiss Plaintiff's claims or render a take-nothing judgment against it, and for all other relief the Court deems appropriate.

Respectfully submitted,

**MCCARTHY & HOLTHUS, LLP**

/s/ Ramona Ladwig \_\_\_\_\_  
Ramona Ladwig / SBN: 24092659  
rladwig@McCarthyHolthus.com  
Cole Patton / SBN: 24037247  
Thuy Frazier / SBN: 24088129  
Yoshie Valadez / SBN: 24091142  
1255 West 15th Street, Suite 1060  
Plano, Texas 75075  
Phone: 214.291.3800  
Fax: 214.291.3801

**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served on all parties of record via E-File Texas on February 13, 2023 in accordance with the Texas Rules of Civil Procedure.

/s/ Ramona Ladwig  
Ramona Ladwig

### Automated Certificate of eService

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Noor Salahuddin on behalf of Ramona Ladwig  
Bar No. 24092659  
nsalahuddin@mccarthyholthus.com  
Envelope ID: 72688599  
Status as of 2/13/2023 10:16 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Danny Brooks		danny@jjacksonllp.com	2/13/2023 10:10:26 AM	SENT
Jeffrey Jackson		jeff@jjacksonllp.com	2/13/2023 10:10:26 AM	SENT