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United States District Court Southern District of Texas

**ENTERED** 

January 12, 2023 Nathan Ochsner. Clerk

## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

NICIA VITORINO f/k/a	ş	
NICIA CALLEDARE	Š	
	§	
Plaintiff,	§	
	§	
V.	§ (	CIVIL ACTION NO.4:22-cv-03452
	§	
JP MORGAN CHASE BANK,	§	
NATIONAL ASSOCIATION	§	
	§	
Defendant.	§	

## AGREED JUDGMENT

The Court, having considered the Stipulation of Dismissal and Motion for Entry of Agreed Judgment filed by counsel for Plaintiff Nicia Vitorino, formerly known as Nicia Calledare, and Defendant JPMorgan Chase Bank, N.A., incorrectly named as "JP Morgan Chase Bank, National Association," ("Defendant") is of the opinion that the agreed upon relief requested should be granted. It is therefore ORDERED, ADJUDGED, and DECREED as follows:

(a) The Texas Home Equity Note dated August 1, 2006 in the original principal amount of \$143,600 bearing the Brian Calledare's signature (Note) and the Homestead Lien Contract and Deed of Trust dated August 1, 2006 bearing the signatures of the Plaintiff and Brian Calledare (Security Instrument) were closed in compliance with the Texas Constitution's requirements and contractual terms such that all contractual and constitutional requirements were satisfied.

(b) The Note, Security Instrument, and lien granted in the Security Instrument,

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including the power of sale and right to foreclose, are valid and enforceable and comply with the Texas Constitution and other applicable law.

(c) Any purported breach of the Note or Security Instrument by Chase, the lender, any mortgage servicer, or any holder of the Note was cured within the sixtieth day after the date the Plaintiff provided notice of the alleged breach to the lender or holder of the Note.

(d) Chase is entitled to a take nothing judgment on all claims the Plaintiff asserted in this suit.

It is ORDERED that Plaintiff take nothing on her claims against Chase. It is further ORDERED that Defendant's counterclaims are dismissed without prejudice.

Each party shall bear its or their own attorneys' fees and costs. All relief not expressly granted is hereby denied. This is a final judgment that disposes of all parties and claims.

It is so ordered this \_\_\_\_\_ day o**f <u>AN 1 0 2023</u>**, 2023.

UNITED STATES DISTRICT JUDGE