

3/30/2023 11:25:42 AM Marilyn Burgess - District Clerk Harris County Envelope No: 74167622 By: JACKSON, MONICA J Filed: 3/30/2023 11:25:42 AM

2023-20586 / Court: 55

Pgs-2

TRORX STBNX CASO

Michael Anastasio,	§ IN THE DISTRICT COURT OF
<i>Plaintiff</i> (s),	§
T.	§
V.	S HADDIC COLDUTY TOYLO
PNC Bank N.A.,	§ HARRIS COUNTY, TEXAS
Defendant(s),	§ 8
Sa Sy and an in the	8
	§ JUDICIAL DISTRICT
	8

TEMPORARY EX PARTE RESTRAINING ORDER, ORDER TO POST BOND, AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION AND TEMPORARY ORDERS

On this _____day of March 2023, Michael Anastasio , Plaintiff in the above-entitled and -numbered cause, have filed and on this day presented an Original Petition containing Motions For Temporary Injunction and For Ex Parte Temporary Restraining Orders, with relevant and pertinent portions thereof supported with affidavits, pursuant to Section 5 of Part VI of the Texas Rules of Civil Procedure Plaintiff procedure Defendant.

THE COURT, having examined the pleadings. FINDS that it clearly appears from the facts set forth in the affidavits and pertinent portions of Plaintiff MICHAEL ANASTASIO's Original Petition containing Motions For Temporary Injunction and For Ex Parte Temporary Restraining Orders that unless PNC Bank N.A. is immediately restrained as Ordered. Adjudged, and Decreed below in this section 'I', that such Defendant will irreparably cause harm to Plaintiff MICHAEL ANASTASIO before notice can be given and a hearing is had on Plaintiff motion for a temporary injunction; because, the Defendant will forcelose on certain property specified in section I.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the clerk of this Court issue a temporary restraining order, in this cause, immediately restraining Defendant, PNC Bank N.A. from the following acts from the date of signing of this order until and to the fourteenth day after the signing of this order or until further order of this Court:

- The sale scheduled to be held on April 4, 2023 by the substitute trustee, Attorneys CODILIS &
 MOODY, P.C., in the area of the HARRIS County Courthouse in Houston, Texas, designated
 by the Commissioner's Court pursuant to Section 51 002 of the Texas Property Code as a place
 where the foreclosure sale is to take place of 11226 Stoney Meadow Drive, Houston, Texas,
 77095.
- 2. Reposting said property for foreclosure sale or otherwise engaging in any foreclosure preparatory activities.

IT IS ORDERED, ADJUDGED, AND DECREED that the foregoing orders shall be binding on Defendant; on Defendant's agents, servants and employees; and on those persons in active concert or participation with them who receive actual notice of these Orders by personal service or otherwise

IT IS ORDERED. ADJUDGED. AND DECREED that Plaintiff post a bond of \$2.600.00

11

IT IS FURTHER ORDERED that the Clerk shall issue notice to PNC Bank NA to appear and such Defendant is hereby ordered to appear, before this Court in the Courthouse at 11226 Stoney Meadow Drive. Houston, Texas. 77095 on April 14, 2023, at 1:30 p.m. to show cause, if any, why the following temporary injunctive and other interim relief should not be granted as requested by Plaintiff during the pendency of this cause:

- 1. That the preceding temporary restraining orders in sections 'I' be made a temporary injunction pending final hearing in this cause;
- 2. That the additional orders and temporary injunctions requested by Plaintiff be granted.
- 3 That all other orders should be entered or further relief granted respecting the parties as pled for by Plaintiff in Plaintiff Original Petition in this cause

UPON THE PLAINTIFF **POSTING A BOND** OF <u>\$2,000.00</u>. THE CLERK OF THIS COURT IS DIRECTED TO ISSUE A TEMPORARY RESTRAINING ORDER IN CONFORMITY WITH THE LAW AND THE TERMS OF THIS ORDER.

SIGNED on March ______. 2023. at _______o'clock __m

Signed: 3/31/2023 11:06 AM

JUDGE PRESIDING

Ribur Sitor Collin

Approved as to Substance and Form

/s/ James Minerve

James Minerve
State Bar No. 24008692
13276 N HWY 183, ste. 209
Austin, Texas 78750
(888) 819-1440 (Office)
(210) 336-5867 (Mobile)
(888) 230-6397 (Fax)
jgm/a/minervelaw com
Attorney for Plaintiff
MICHAEL ANASTASIO

exhibit .sapping

CAUSE NUMBER 2023 20586

Michael Anastasion	§	IN THE DISTRICT COURT OF		
DAID PAYSON MIN	§	HARRIS COUNTY, TEXAS		
RESPONDENT	§	55 th Judicial district		
CLERK'S CERTIFICATE OF CASH DEPOSIT IN LIEU OF INJUNCTION BOND PER ORDER OF THE COURT				
THE STATE OF TEXAS § COUNTY OF HARRIS §				
THIS DOCUMENT IS TO CERTIFY that I, the un	ndersigned	Clerk of the District Courts of Harris County. Texas have		
(\$ $\frac{2}{1000}$ \cdot 0 \cdot	of TU d with the	Registry of the Court in liquid's Lawrence		
order bond of a Temporary Inflinction Bond as required by	y Rule 68-	4. T.R.C.P. in the above styled and pumbered areas		
day of	Mari	cw = 207.5		
This cash deposit is made and received in lieu	of TEMP	ORARY RESTRAINING ORDER or TEMPORARY		
that the applicant will abide the deci	ision which	may be made in the cause, and that he will not all the		
of money and costs that may be adjudged against him if the rest	training ord	fer or temporary injunction shall be dissolved in what		
in part, and this certificate is issued to have the force and eff TEMPORARY INJUCTION BOND in accordance with the Orc	fect of a T der of the (EMPORARY RESTRAINING ORDER BOND OR A Court.		
WITNESS my hand and seal of office thisd	lay of	APRIL AD. 20 23		
Marilyn Burgess District Clerk	Harris Co Po Box 46			
APR 0 3 2023	Houston,	Texas 77210-4651		

Principal: Michael Anastasio

Harris County, Texas

Deputy

Attorney: James Minerye Bar Number: 24008692 County Auditor's Form/9999A Harris County, Texas (Rev 04/01)

Official Receipt

23 NO. 31244

MARILYN BURGESS DISTRICT CLERK

Action: BOND APPROVAL

Case: 202320586-7

Trans ID: 214792336

Court: 055

Style

Description
BOND APPROVAL

PLT: ANASTASIO, MICHAEL

DEF: PNC BANK N.A.

Amount

\$5.00

Payment Cash

\$10,00

Amount Tendered: Payment Amount:

\$10.00

Amount Applied:

\$5.00 \$5.00

Change Amount:

\$5.00

Received

ANASTASIO, MICHAEL R

S2995664

Of

11226 STONEY MEADOW DR

HOUSTON, TX 77095

Payment Date: 4/3/2023

File Date: 3/30/2023

Assessed By: COLLINS, IRIS T

Validated: 4/4/2023

By :COLLINS, IRIS T

Comment:

Fee

116

CAUSE NO. 2023-20586

Michael Anastasio, Plaintiff(s),	%	IN THE DISTRICT COURT OF EXHIBIT
v. PNC Bank N.A, Defendant(s),	\$ \$ \$ \$ \$ \$ \$ \$	HARRIS COUNTY, TEXAS
• • • • • • • • • • • • • • • • • • • •	% %	55 th JUDICIAL DISTRICT

PLAINTIFF'S NOTICE OF NONSUIT AS TO DEFENDANT WITH PREJUDICE

Plaintiff Michael Anastasio ("Plaintiff"), hereby files this her Notice of Nonsuit as to Defendant PNC Bank N.A:

I.

Plaintiff no longer desires to prosecute this action against Defendant PNC Bank N.A and therefore moves this Court for an Order dismissing its claims against Defendant PNC Bank N.A in this cause with prejudice.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court grant this Notice of Nonsuit and dismiss with prejudice its claims against Defendant PNC Bank N.A.

Respectfully submitted,

By: /s/ James Minerve
JAMES MINERVE
Texas Bar No. 24008692
igm@minervelaw.com

13276 N. Highway 183, Suite 209

Austin, TX 78750

Telephone: (888) 819-1440 Facsimile: (888) 230-6397 Mobile: (210)210-336-5867

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that on the 16^{th} day of April, 2023, a true and correct copy of the foregoing document was delivered via email to the following counsel:

via Email: danya.gladney@tx.cslegal.com

Danya Gladney Codilis & Moody 650 North Sam Houston Parkway Suite 450 Houston, TX 77060 Fax: 281-925-5343

Direct Fax-281-925-5349 Phone: 281-925-5249

danya.gladney@tx.cslegal.com

/s/ James Minerve
JAMES MINERVE

RE: [EXTERNAL EMAIL] TRO Cash Bond Release Motion and Proposed Order Attached

From: Danya Gladney (danya.gladney@tx.cslegal.com)

To: jgminerve@aol.com

Cc: jgm@minervelaw.com

Date: Monday, April 17, 2023 at 08:53 AM CDT



You can sign with permission for me, James. Can you please send me a copy of the dismissal that was filed as well?

Danya F. Gladney 281-925-5249

This Firm Is a Debt Collector.

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector.

From: James Minerve <jgminerve@aol.com> Sent: Sunday, April 16, 2023 11:09 AM

To: Danya Gladney < Danya. Gladney@tx.cslegal.com >

Cc: James Minerve <igm@minervelaw.com>

Subject: [EXTERNAL EMAIL] TRO Cash Bond Release Motion and Proposed Order Attached

*** This is an external email ***

Dear Ms. Gladney,

Re: Cause 2023-20586; Michael Anastasio v. PNC Bank N.A; Property: 11226 Stoney Meadow Dr, Houston, Texas, 77095

Please find attached a motion and proposed order to release the TRO cash bond. This cause has been dismissed with prejudice. Please see attached Exhibit C. By signing the attached proposed order, you are not agreeing with the substance of the motion. You are only stating that you are unopposed to the release of the TRO cash bond.

Please sign the attached proposed order and return ASAP; or give me permission to sign your name electronically. Please let me know if you have any questions.

If you cannot sign the attached proposed order, as being unopposed, please inform me as to your availability for a hearing this week of April 17, 2023. If you cannot appear for the loan servicer, please let me know that. If I don't hear from you, I'm going to set a hearing and will provide you notice of the hearing. Thanks

/s/ James Minerve The Minerve Law Firm Dallas Office 4209 Gateway Dr., Ste. 200 Colleyville, Texas 76034

Houston Office 4510 Twin Timber Court Fresno, Texas 77545

Austin Office 13276 N Hwy 183, ste 209 Austin, Texas 78750

888-819-1440 Ext. 101 Office 888-230-6397 Fax 210-336-5867 Cell jgm@minervelaw.com www.minervelaw.com

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector.