

CAUSE NO. 2023-13962

**MOISES REYNOSO,
Plaintiff,**

v.

**SHELLPOINT MORTGAGE
SERVICING,
Defendant.**

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IN THE DISTRICT COURT

215th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

SHELLPOINT MORTGAGE SERVICING
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION

Shellpoint Mortgage Servicing (“SMS”) files this original answer to Plaintiff’s Original Petition (“Petition”), and respectfully shows the Court as follows:

GENERAL DENIAL

Pursuant to Rule 92, of the Texas Rules of Civil Procedure SMS generally denies all the material allegations asserted by Plaintiff in the Petition and demands strict proof thereof by the preponderance of credible evidence.

AFFIRMATIVE DEFENSES

1. Plaintiff’s claims are barred, in whole or in part, for failure to perform conditions precedent, including, but not limited to, paying the loan as agreed, tendering the amount of the debt and/or purchase price, and/or providing SMS with good and sufficient notice of its requests, claims and/or demands.

2. Plaintiff’s claims are barred, in whole or in part, because Plaintiff’s own acts or omissions caused or contributed to their injury, if any.

3. Plaintiff’s claims are barred, in whole or in part, for failure to mitigate damages.

4. Any alleged wrongful acts or omissions of SMS, if and to the extent such acts and omissions occurred, were legally excused or justified.

5. Plaintiff's claims are barred, in whole or in part, because of a failure of consideration.

ATTORNEYS' FEES

SMS is entitled to recover attorneys' fees pursuant to any statute or rules invoked by either party, which entitles it to recover attorneys' fees and costs of court for defending the claims asserted by Plaintiff.

PRAYER

WHEREFORE, The Defendants pray this Honorable Court enter a judgment that Plaintiffs takes nothing by this suit, dismiss Plaintiffs' claims with prejudice, and for all other relief Court deems appropriate.

Respectfully submitted,
BONIAL & ASSOCIATES, P.C.

/s/ Braden Barnes

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ATTORNEYS FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that all the listed parties and/or their respective counsel were served, in accordance with Texas Rules of Civil Procedure, with the foregoing document on April 17, 2023.

ERICK DELARUE
2800 Post Oak Boulevard, Suite 4100
Houston TX 77056
erick.delarue@delaruelaw.com
Via eserve

/s/ Braden Barnes _____
Braden Barnes

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.

Cristina Bouchard on behalf of Braden Barnes
Bar No. 24059423
cristina.bouchard@bonialpc.com
Envelope ID: 74713189
Filing Code Description: Answer/ Response / Waiver
Filing Description:
Status as of 4/17/2023 1:44 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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