

Williams v. PennyMac Loan Servs., LLC

Decided Jun 5, 2019

Civil Action H-19-119

06-05-2019

Matt Williams, et al., Plaintiffs, v. PennyMac Loan Services, LLC, et al., Defendants.

Lynn N. Hughes United States District Judge

Judgment on the Pleadings 1. *Background.*

In 2013, Roxane Johnson borrowed money and secured it by a deed of trust. Mortgage Electronic Registration Systems, Inc., was the beneficiary under the deed of trust. Mortgage Electronic assigned the deed of trust to PennyMac Loan Services, LLC, in 2016. Johnson defaulted on the loan, and PennyMac foreclosed on the property selling it to Shahid Khan and Zinaida Fomenko in 2018.

Anthony Welch told Matt Williams that the property was being leased to him, so Williams refused to leave the property until January 2019. Williams has since vacated the property, and Khan and Fomenko possess it.

Williams and Johnson have sued PennyMac, Mortgage Electronic, Khan, and Fomenko for wrongful foreclosure. Their claims fail ignominiously on the face of their pleadings. 2. *Standing.*

Williams has no standing to assert claims related to the land. He is not a party to the loan and has never had any title to this property. His claims fail as a matter of law and are dismissed with prejudice. 3. *Foreclosure.*

- Johnson defaulted on the note. As beneficiary of the deed of trust, Mortgage *2 Electronic had the authority to assign it to PennyMac. It had the authority to foreclose on the property and sell it. After the foreclosure sale, Johnson had no property interest in the house and land. Her claims fail. 4. *Res Judicata.*

Several related cases exist about this loan and property. This court has already rendered a final judgment in substantially the same case - Civil Action No. 4:18-cv-2988, *Roxane Johnson, et al. v. PennyMac Loan Services, LLC, et al.* - by dismissing it with prejudice. The parties are nearly identical and both cases are about the same transaction. Johnson's claims are barred by *res judicata*. 5. *Conclusion.*

This case is one of a slew orchestrated by Anthony Welch. This court will not countenance further harassment of property owners or assaults on its time.

Matt Williams does not have standing and Roxane Johnson has not pleaded facts to show a claim for relief. Johnson lost all right to the property at the foreclosure sale after she defaulted. Neither has title to the property, and likely neither was truly involved in the filing of this lawsuit.

All of the claims against: PennyMac Loan Services, LLC; Mortgage Electronic Registration Systems, Inc.; Shahid Khan; and Zinaida Fomenko are denied, having been litigated to a decision adverse to Johnson.

Signed on June 5, 2019, at Houston, Texas.

/s/ _____

Lynn N. Hughes

United States District Judge

