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

NICOLAS S. NICOLAS,

Plaintiff,

V.

CIVIL ACTION NO. 4:20-cv-1263

BEUTSCHE BANK NATIONAL TRUST
COMPANY, AS INDENTURE
TRUSTEE FOR AMERICAN HOME
MORTGAGE INVESTMENT TRUST
2006-3 and PHH MORTGAGE
CORPORATION,

Defendants.

STIPULATION AND CONSENT FOR ENTRY OF JUDGMENT PERMITTING FORECLOSURE

Defendants PHH Mortgage Corporation ("PHH") and Deutsche Bank National Trust Company, as Indenture Trustee for American Home Mortgage Investment Trust 2006-3 ("Deutsche Bank," and together with PHH, the "Defendants"), and Plaintiff Nicolas S. Nicolas ("Plaintiff") and non-party Gale J. Nicolas (collectively, the "Borrowers") file this Stipulation and Consent for Entry of Judgment Permitting Foreclosure. The Parties stipulate to the following:

1. An event of default has occurred on that certain Texas Home Equity Adjustable Rate Note ("Note") executed by Plaintiff on or about August 3, 2005, in the principal amount of \$202,690.00, which is secured by the real property and improvements commonly known as 84 W Sandalbranch Circle, The Woodlands, Texas 77382 (the "Property") pursuant to that certain Texas Home Equity Security Instrument executed by Borrowers (the "Security Instrument," and together with the Note, the "Loan Agreement") and recorded in the Official Records of

Defendants and Borrowers are collectively referred to herein as the "Parties."

Montgomery County, Texas, as Document No. 2005088920. The Property is more particularly described as follows:

LOT ELEVEN (11), IN BLOCK ONE (1), OF THE WOODLANDS VILLAGE OF ALDEN BRIDGE, SECTION EIGHTEEN (18), A SUBDIVISION IN MONTGOMERY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET H. SHEEP 162B OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS.

- 2. The Loan Agreement comports with all requirements of the Texas Constitution and the Security Instrument validly encumbers the Property.
- 3. Deutsche Bank is the current owner and holder of the Note and assignees of the Security Instrument. PHH is Deutsche Bank's authorized servicing agent.
- 4. Defendants provided Borrowers with a Notice of Default on October 27, 2017, and thereafter provided Borrowers with a Notice of Acceleration on March 1, 2017.
- 5. Due to event of default on the Note, Deutsche Bank, or its successors or assigns, may enforce its lien against the Property through nonjudicial foreclosure of the Property via trustee's sale at public auction, as provided in the Security Instrument and section 51.002 of the Texas Property Code. The Parties consent to an order from this Court permitting the nonjudicial foreclosure sale of the Property.
- 6. Defendants agree that they shall not complete a nonjudicial foreclosure sale of the Property until ninety (90) days after the date this Court enters an order approving this Stipulation.
- 7. Upon the entry of an order approving this Stipulation, Plaintiff's claims herein shall be dismissed with prejudice, with all Parties bearing their own fees and costs.
- 8. The Parties agree to execute such further documents and instruments and to take such further actions as may be reasonably necessary to carry out the purposes and intent of this Stipulation.

APPROVED AS TO FORM:

Dated: December , 2021

By: /s/ Greg DeVries

BRIAN PAINO

State Bar No. 24065862 bpaino@mcglinchey.com MCGLINCHEY STAFFORD

18201 Von Karman Ave, Ste 350

Irvine CA 92612

Telephone: (949) 381-5900 Facsimile: (949) 271-4040

GREG DEVRIES

State Bar No. 24105802 MCGLINCHEY STAFFORD

1001 McKinney, Suite 1500

Houston, Texas 77002

Telephone: (713) 520-1900 Facsimile: (713) 520-1025 gdevries@mcglinchey.com

COUNSEL FOR DEFENDANTS

Dated: December , 2021

By: /s/ Brandy Alexander (with permission)

BRANDY ALEXANDER State Bar No. 24108421

State Dal 190. 24100421

brandyalexander@alexanderpllc.com

6200 Savoy Drive, Suite 1202

Houston, Texas 77036

Telephone: (832)-460-3307 Facsimile: (832) 460-3334

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2022, a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing has been forwarded to all parties, by and through their attorneys of record, by operation of the Court's electronic filing system or by other means in accordance with the FEDERAL RULES OF CIVIL PROCEDURE.

Via CMRRR and/or

Email brandyalexander@alexanderpllc.com

Brandy Michelle Alexander Texas State Bar No. 24108421 6200 Savoy Drive, Suite 1202 Houston, Texas 77036

Telephone: (832)-460-3307 Facsimile: (832) 460-3334 Counsel for Plaintiff

/s/ Greg DeVries
GREG DEVRIES

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IT IS SO STIPULATED.

Dated:

January 13, 2021

Dated:

January 13, 2021

Dated: NAXXXXXXXXXXXXXX

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February 16, 2022

Dated: Dacemberxxx202xxx6F

February 16, 2022

Ву:__

NICÓLAS S. NICOLAS

CALET MICOLAS

PHH MORTGAGE CORPORATION

By:

Gina Feezer

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR AMERICAN HOME MORTGAGE INVESTMENT TRUST 2006-3

by: PHH Mortgage Corporation, its attorney-

in-fact

By:_

Its: Gina Feezer