

CAUSE NO. 2022-83517

PEARL GLOBAL, LLC,  
Plaintiff,

V.

PRIORITY INVESTOR LOANS, LLC  
Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

234TH JUDICIAL DISTRICT

**DEFENDANT, PRIORITY INVESTOR LOANS, LLC'S  
ORIGINAL COUNTERCLAIM**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Counter-Plaintiff, PRIORITY INVESTOR LOANS, LLC (“Counter-Plaintiff” or “Priority”) and hereby files its Original Counterclaim against Counter-Defendant, PEARL GLOBAL, LLC (“Counter-Defendant” or “Pearl Global”) as follows:

**I. DISCOVERY CONTROL PLAN**

1. Pursuant to Tex. R. Civ. P. 190, Priority intends to conduct discovery under Level 2. Pursuant to Tex. R. Civ. P. 47, Priority seeks monetary relief over \$1,000,000. Priority also seeks non-monetary relief.

**II. PARTIES**

2. Counter-Plaintiff, Priority Investor Loans, LLC is a Texas limited liability company that is headquartered and doing business in Houston, Harris County, Texas.

3. Counter-Defendant, Pearl Global, LLC has already appeared in this case and may be served with this counterclaim under Rules 21 and 21a by and through its attorney of record, C. Greg Goodrum, The Goodrum Law Firm, PLLC, 16225 Park Ten Place Dr., Suite 500, Houston, Texas 77084, cgreg@goodrumlaw.com.

### **III. JURISDICTION AND VENUE**

4. Jurisdiction and venue are proper in this Court under Tex. Civ. Prac. & Rem. Code § 15.062(a).

### **IV. BACKGROUND FACTS**

5. Pearl Global filed this lawsuit on December 28, 2022. Pearl Global's stated causes of action were: (i) Petition to Quiet Title and Declaratory Judgment as to the Deed of Trust being Void; (ii) Slander of Title; and (iii) Unreasonable Collection. Pearl Global's claims relate to the January 28, 2022 loan ("Loan") that Pearl Global obtained from Priority in the amount of \$1,592,000.00. The Loan was used to finance Pearl Global's purchase of the investment property at 13107 Pine Drive, Cypress, Texas 77429 (the "Property"), which is legally described in **Exhibit A**.

6. The \$1,592,000 Loan was secured by the First Lien Deed of Trust against the Property which was recorded in the Harris County Real Property Records under Clerks File No. RP-2022-105190.

7. Priority categorically denies Pearl Global's allegations in its petition that the December 6, 2022 foreclosure sale was wrongful or that Pearl Global has been damaged in any way. However, since Pearl Global seeks relief from this Court that restores its title to the Property as it was pre-foreclosure, Priority, without waiver of any other rights, remedies, and defenses available under the Loan Documents and Texas law or equity, agrees to a voluntary rescission of the December 6, 2022 foreclosure sale. The result will be the restoration of title to Pearl Global as recorded under the General Warranty Deed from Grantor, Kenneth Frank Sauer and Melissa J. Sauer, to Grantee, Pearl Global, LLC, a Texas Limited Liability Company, as recorded in Harris County Clerks File No. RP-2022-105189, and subject to the First Lien Deed of Trust and superior

vendor's lien (retained in favor of Priority) and the Second Lien Deed of Trust and inferior vendor's lien (retained in favor of Kenneth Frank Sauer and Melissa J. Sauer).

**V.   GROUNDS FOR RELIEF**

8. Counter-Plaintiff, Priority asserts a counterclaim for declaratory judgment against Counter-Defendant, Pearl Global, LLC that the December 6, 2022 foreclosure sale is hereby rescinded. Priority voluntarily agrees to the rescission and does so without waiver of any other rights, remedies, and defenses available under the Loan Documents and Texas law or equity.

**VI.   TEX. R. CIV. P. 193.7 NOTICE**

9. This paragraph serves as notice, pursuant to Tex. R. Civ. P. 193.7, that documents produced in response to written discovery requests served by Priority will be used against the producing party in any pretrial proceeding and/or trial.

**VII.   CONDITIONS PRECEDENT**

10. All conditions precedent to Priority's recovery have occurred, have been performed, or have been waived.

**VIII.   PRAYER**

WHEREFORE, PREMISES CONSIDERED, Counter-Plaintiff, PRIORITY INVESTOR LOANS, LLC, respectfully prays that judgment be rendered in its favor against Counter-Defendant, PEARL GLOBAL, LLC, that Counter-Plaintiff be awarded its attorney's fees and costs of court, and that the Court grant such other and further relief to which Counter-Plaintiff may be entitled at law or in equity.

Respectfully submitted,  
INVICTA LAW FIRM

By: /s/ Alicia M. Matsushima  
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ATTORNEYS FOR DEFENDANT,  
PRIORITY INVESTOR LOANS, LLC

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above was served on each attorney of record or party in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure on June 30, 2023 as follows:

Via Texas eFile:  
Mr. C. Greg Goodrum  
16225 Park Ten Place Drive, Ste. 500  
Houston, Texas 77084  
cgreg@goodrumlaw.com

ATTORNEY FOR PLAINTIFF,  
PEARL GLOBAL, LLC

/s/ Alicia M. Matsushima  
Alicia M. Matsushima

### 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.

Alicia Matsushima on behalf of Alicia Matsushima  
Bar No. 24002546  
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Envelope ID: 77028834  
Filing Code Description: Counter Claim/Cross  
Action/Interpleader/Intervention/Third Party  
Filing Description: Counter Claim/Cross  
Action/Interpleader/Intervention/Third Party  
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#### Case Contacts

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