

CASE NO. 1205096

DEUTSCHE BANK NATIONAL TRUST §  
COMPANY, AS TRUSTEE,  
IN TRUST FOR REGISTERED  
HOLDERS OF LONG BEACH  
MORTGAGE LOAN TRUST 2004-4  
, ASSET- BACKED CERTIFICATES,  
SERIES 2004-4

IN THE COUNTY COURT

AT LAW NO. 4

V.

LANA M. STRANGE AND ROBERT F.  
STRANGE, JR. AND ALL OTHER  
OCCUPANTS

HARRIS COUNTY, TEXAS

DEFENDANT’S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES

Defendants, Lana M. Strange and Robert F. Strange, Jr. (“Defendants”) for their Original Answer and Affirmative Defenses against Plaintiff Deutsche Bank National Trust Company, as Trustee (“Plaintiff”) states and alleges as follows:

GENERAL DENIAL

1. Defendants assert a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure. Defendants respectfully request that Plaintiff be required to prove the charges and allegations against Defendants by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas. Also, Defendants reserve the right to amend their answer at a future date in accordance with the Texas Rules of Civil Procedure.

AFFIRMATIVE DEFENSES

2. Defendants deny every allegation in the Complaint not expressly admitted herein and avers that Plaintiff is not entitled to any relief sought in the Complaint.

3. Defendants deny that all conditions precedent to a right of recovery have been satisfied or alleged.

4. Plaintiff's claims are barred or any alleged failure to perform by Defendant is excused because of one or more material obligations of the subject note and deed of trust have not been satisfied by Plaintiff.

5. Plaintiff's damages, if any, were proximately caused by the act, omissions or breaches of other persons and/or entities and the acts, omissions or breaches were intervening and superseding causes of Plaintiff's alleged damages.

6. Plaintiff's claims are barred or any failure to perform is excused by the equitable doctrines of affirmation, ratification and waiver.

7. Plaintiff's claims are barred or any failure to perform is excused by waiver and estoppel.

8. Plaintiff failed to state a claim for which relief can be granted.

9. Plaintiff failed to mitigate alleged damages.

10. Plaintiff's claims are precluded in whole or in part by the statute of limitations.

11. Defendant pleads judicial estoppel, equitable estoppel and all available forms of estoppel.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant respectfully requests and prays for judgment of this Court that this case be dismissed with prejudice, Plaintiff take nothing by way of its claims, and that Defendant has judgment for cost, fees, and for such other and further relief to which they are justly entitled.

Respectfully submitted,

VILT LAW, P.C.

By: /s/ Robert C. Vilt  
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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that the above foregoing document was served upon all counsel and/or parties of record in accordance with the Texas Rules of Civil Procedure via electronic and/or hand delivery on the 6th day of May 2023.

Dominique Varner  
Anthony A. Garcia  
Hughes Watters & Askanase, LLP  
1201 Louisiana, 28<sup>th</sup> Floor  
Houston, TX 77002

/s/ Robert C. Vilt  
Robert C. Vilt

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Nicolas Vilt on behalf of Robert Vilt  
Bar No. 788586  
nicolas@viltlaw.com  
Envelope ID: 76349569  
Filing Code Description: Answer/Response  
Filing Description:  
Status as of 6/7/2023 2:53 PM CST

Associated Case Party: Deutsche Bank National Trust Company

Name	BarNumber	Email	TimestampSubmitted	Status
Dominique Varner		dvarner@hwallp.com	6/6/2023 4:22:12 PM	SENT
Dominique Varner		dvarner@hwa.com	6/6/2023 4:22:12 PM	SENT
Anthony Garcia		agarcia@hwa.com	6/6/2023 4:22:12 PM	SENT

Associated Case Party: RobertF.Strange

Name	BarNumber	Email	TimestampSubmitted	Status
Robert C. Vilt		clay@viltlaw.com	6/6/2023 4:22:12 PM	SENT