

Cause No. 202359141

<u>JEFF SAMUELS</u>	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
AVT TITLE SERVICES LLC,	§	<u>234TH</u> JUDICIAL DISTRICT,
DEUTSCHE BANK NATIONAL	§	
TRUST CO., PHH MORTGAGE CORP.	§	
POWER DEFAULT SERVICES INC.	§	
Defendants	§	HARRIS COUNTY, TEXAS

**MOTION TO WITHDRAW AS COUNSEL
FOR PLAINTIFF JEFF SAMUELS**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes ERROL A. JONES of the law firm CLARKE LAW PLLC, Movant, and brings this Motion to Withdraw as Counsel and in support thereof shows:

INTRODUCTION

1. Movant ERROL A. JONES, is the attorney of record for Plaintiff JEFF SAMUELS. Movant’s firm was employed to represent the Plaintiff in his claims against the Defendants, AVT TITLE SERVICES, DEUTSCHE BANK NATIONAL TRUST, PHH MORTGAGE CORP, POWER DEFAULT SERVICES INC (“Defendants”).
2. Plaintiff Jeff Samuels is an individual that filed an Application for Temporary Restraining Order and Injunctive Relief to stop a foreclosure against his homestead. Defendants were named in Plaintiff’s lawsuit as parties involved in the process to foreclose on Plaintiff’s homestead.

BACKGROUND

3. Plaintiff is an individual that purchased the property located at 14810 Winding Waters

Drive, Cypress, TX 77429 in 2004. Plaintiff has resided at the property as his homestead since 2004.

4. Due to financial hardships that began in 2015, Plaintiff has been unable to make regular mortgage payments. Despite being a loyal customer and having made payments for several years on the original note, the Defendant Deutsche Bank National Trust Company, through Defendant Power Default Services, initiated foreclosure proceedings against the Plaintiff.
5. In an effort to avoid a foreclosure, Plaintiff entered into negotiations with Defendant PHH Mortgage to modify the mortgage payment amount. However, the Defendant Power Default Services continued with the foreclosure process even though the modification application was still under review by the Defendant PHH Mortgage.
6. On or about September 1, 2023, Plaintiff initiated an injunction proceeding to enjoin the Defendants from foreclosing on the subject property while the application was in review.
7. On or about September 5, 2023, the trial court ruled in favor of the Plaintiff and granted a temporary restraining order to enjoin the foreclosure of his homestead.
8. After the restraining order was granted, the Plaintiff and his attorneys have not been able to agree on a future course of action regarding this matter. The Plaintiff has “thanked his attorney for his service” and asked that the Attorney “return his file” so that he may proceed in the manner that he thinks will best serve his interests.

ARGUMENT & AUTHORITIES

9. As required by Texas Rule of Civil Procedure, good cause exists for withdrawal as counsel in that:

- a. Movant ERROL A. JONES and PLAINTIFF JEFF SAMUELS have been unable to effectively communicate with each other so as to adequately represent Plaintiff moving forward in this matter
 - b. Movant and Plaintiff have not seen the need to pursue a future course of legal action regarding this matter. Movant and Plaintiff assume the Defendant PHH Mortgage will complete its review of the application for modification in a timely fashion.
 - c. Plaintiff no longer desires that Movant represent him and desires to be self-represented or "pro se."
9. This withdrawal is not sought for delay, but that Plaintiff might represent himself or be represented by counsel of his choice and in a manner in which he finds sufficient.
 10. The last known address of Plaintiff is as follows: 14810 Winding Waters Drive, Cypress, TX 77429. Plaintiff's email address is jeff.uben@gmail.com.
 11. Plaintiff is proceeding with this matter as a Pro Se litigant. A substitution attorney has not been revealed to movant. A copy of this motion has been delivered to Plaintiff, who was thereby notified in writing of his right to object to this motion.
 12. Plaintiff has consented to the motion, which is evidenced by Plaintiff's signature on this motion.
 13. There are no pending settings in this case.
 14. There are no pending deadlines for duties required by the Plaintiff.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court will grant the motion to withdraw on the face of this pleading and sign the order accordingly.

CERTIFICATE OF SERVICE

I certify that on **09/18/2023** a true and correct copy of this MOTION TO WITHDRAW was served to the following in accordance with the Texas Rules of Civil Procedure:

AVT TITLE SERVICES
14160 N. Dallas Parkway, Suite 900
Dallas, TX 75254 USA.

DEUTSCHE BANK NATIONAL TRUST CO
C/O CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201-4234 USA

PHH MORTGAGE CORP
211 E. 7th Street, Suite 620
Austin, TX 78701-3218 USA

POWER DEFAULT SERVICES INC
211 E. 7th Street, Suite 620
Austin, TX 78701-3136 USA

By: /s/ Errol A. Jones
Errol A. Jones