

2023-76850 / Court: 125

CAUSE NO. _____

CHRISTOPHER MIDDLETON,

Plaintiff,

v.

**U.S. BANK NATIONAL TRUST
ASSOCIATION AS TRUSTEE OF THE
YURT SERIES III TRUST AND
BSI FINANCIAL SERVICES, INC.,**

Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY TEXAS

_____ JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

ON THIS DATE the Plaintiff’s Original Petition and Application for Injunctive Relief (“Petition”) in this cause, was heard and considered before this Court.

Based upon the pleadings, exhibits, records, and documents filed by Plaintiffs and presented to the Court, as well as the arguments of legal counsel at the hearing, IT CLEARLY APPEARS THAT:

A. Unless Defendants, their agents, employees, directors, shareholders, and legal counsel is/are immediately enjoined and restrained, Defendants may sell the Property at any time during the pendency of this matter thus depriving Plaintiff of ownership of the Property identified and described in the Petition and potentially causing Plaintiff to be dispossessed of the Property, and Plaintiff will suffer an immediate and irreparable harm and will have no adequate remedies under the law, and Defendant may commit the foregoing before notice and hearing on Plaintiff’s Application for Injunctive Relief.

B. Plaintiff will suffer an irreparable harm if Defendants, their agents, employees, directors, shareholders, and legal counsel are not restrained immediately because Defendant or their agents have scheduled the Property for a foreclosure sale to take place on November 7, 2023 - that

is real property, which is unique and irreplaceable, and there is no adequate remedy at law to grant Plaintiff complete, final, and equitable relief.

C. Plaintiff provided notice to Defendants through electronic communication with Defendant's agent(s) in the aforementioned lawsuit, of the filing of Plaintiff's Original Petition and Application for Injunctive Relief as well as Temporary Restraining Order at least two (2) hours before this Court conducted this hearing.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants, their agents, employees, directors, shareholders, and legal counsel are hereby ORDERED to immediately cease and desist from all foreclosure proceedings, including selling the real property which is the subject matter of this lawsuit and is commonly known as 4715 Bayou Vista Drive, Houston, Texas 77091. Defendants, their agents, employees, directors, shareholders, and legal counsel are hereby immediately enjoined and restrained from the date of entry of this Order until fourteen (14) days hereafter, or until further ordered by this Court.

IT IS FURTHER THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Application for Temporary Injunction be heard on the 17 day of November, 2023 starting at 11:00 a.m. ~~a.m.~~ in the courtroom of the 125th District Court of Harris County located at the Harris County Civil Courthouse, 201 Caroline, Houston, Texas 77002 and that Defendants are commanded to appear at that time and show cause, if any, why a temporary injunction should not be issued against Defendants.

The Clerk of the above-entitled court shall issue a notice of entry of a temporary restraining order in conformity with the law and the terms of this Order, to include a copy of this Order, upon the filing by Plaintiff of the bond hereinafter set.

This Order shall not be effective until Plaintiff deposits with the Harris County District

Clerk, a bond in the amount of \$ 500, in due conformity with applicable law. The bond may be in the form of cash, cashier's check, or a check drawn from operating account of Plaintiff's attorney's law firm.

SIGNED and ENTERED this the _____ day of _____, 2023, at _____
a.m./p.m.

Signed:
11/3/2023
2:30 PM



JUDGE PRESIDING

Unofficial Copy Office of Marilyn Burgess District Clerk