

Cause No. 2023-68134

THOMAS WILLBERN
Plaintiff,

IN THE DISTRICT COURT OF

v.

NATIONSTAR MORTGAGE, LLC

Defendant.

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HARRIS COUNTY, TEXAS

333 JUDICIAL DISTRICT

DEFENDANT’S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Nationstar Mortgage, LLC (“Defendant” or “U.S. Bank”) and files its *Original Answer to Plaintiff’s Original Petition, Application for Injunctive Relief, and Request for Disclosures* (“Petition”) filed by Plaintiff Thomas Willbern (“Plaintiff”), and respectfully shows the Court as follows:

I. GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every allegation contained within Plaintiff’s *Petition* any amendment thereto, and demands strict proof thereof as required by the Constitution and the laws of the State of Texas. Defendant further reserves the right to plead further an in greater particularity as this case progresses.

II. AFFIRMATIVE DEFENSES

In addition to, alternatively, and without waiving the foregoing, Defendant assert that:

1. Plaintiff's claim fails, in whole or in part, because Plaintiff fails to state a claim upon which relief can be granted; and therefore, each of Plaintiff's claims should be dismissed.

2. Plaintiff's claims fail because Defendant complied with all condition's precedent to foreclosure.

3. Plaintiff's claims fail, in whole or in part, because Defendant complied with all contract(s), agreement(s), statute(s), and provisions of law(s).

4. Plaintiff's damages if any, were not caused by Defendant. In fact, Plaintiff damages, if any, were proximately caused Plaintiff's own acts and/or omissions.

5. Plaintiff's claims fail, in whole or in part, because Plaintiff has not met conditions precedent to recovery.

6. Plaintiff's claims fail, in whole or in part, because Plaintiff does not have standing.

7. Defendant claims all offsets and credits available to it.

III. RESERVATION OF RIGHTS

As authorized by the Texas Rules of Civil Procedure, Defendant reserves the right to amend this pleading and assert additional defenses before the trial of the court on the merits.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by his claims against Defendant. Defendant further prays that the Court grant Defendants such other and further relief, at law and in equity, to which they are justly entitled.

Respectfully submitted,

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP**

/s/ Shawnika L. Brooks
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been delivered to all parties and counsel of record pursuant to the Texas Rules of Civil Procedure on this 8TH day of November, 2023.

Via E-service: erick.delarue@delaruelaw.com
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Attorney for Plaintiff

/s/ Shawnika L. Brooks
Shawnika L. Brooks

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Angela Brennan on behalf of Shawnika Brooks

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Status as of 11/8/2023 12:48 PM CST

Case Contacts

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