

Filed
7/31/2023 12:00 AM
Beverley McGrew Walker
District Clerk
Fort Bend County, Texas
Salena Jasso

CAUSE NO. 23-DCV-306608

RICARDO AGUIRRE
Plaintiff,

VS.

NATIONSTAR MORTGAGE, LLC
DBA MR. COOPER
AND
WILMINGTON TRUST NATIONAL ASSOC.
Defendants.

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IN THE DISTRICT COURT OF

FORT BEND COUNTY, TEXAS

Fort Bend County - 458th Judicial District Court

_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

COMES NOW, RICARDO AGUIRRE, Plaintiff, complaining of NATIONSTAR MORTGAGE, LLC, DBA MR. COOPER AND WILMINGTON TRUST NATIONAL ASSOC. Defendants and for cause of action would respectfully show unto the Court the following:

I. PARTIES & SERVICE OF CITATION

- 1.1 Plaintiff, RICARDO AGUIRRE is a resident of Fort Bend County, Texas.
- 1.2 Defendant, NATIONSTAR MORTGAGE, LLC DBA MR. COOPER hereafter referred to as "Nationstar" is a corporation authorized to do business in Texas. Citation may be served on Defendant by serving its registered agent CORPORATION SERVICE CO. DBA CSC LAWYERS INCORPORATION SERVICE CO., 211 East 7th Street Ste. 620 Austin, TX 78701.
- 1.3 Defendant, WILMINGTON TRUST NATIONAL ASSOCIATION is a foreign corporation authorized to do business in Texas. Citation may be served on Defendant by serving its registered agent CORPORATION SERVICE CO. DBA CSC LAWYERS INCORPORATION SERVICE CO., 211 East 7th Street Ste. 620 Austin, TX 78701.

II. DISCOVERY CONTROL PLAN

- 2.1 Plaintiff intends to conduct discovery under control plan Level 2 pursuant to the Texas Rules of Civil Procedure, Rule 190.03.



III. JURISDICTION AND VENUE

- 3.1 This Court has subject matter jurisdiction over the controversy because the claims asserted in this Petition arose in whole or in part, in Fort Bend County, Texas and the amount in controversy exceeds the minimal jurisdictional limits of the court.
- 3.2 This Court has personal jurisdiction over the Defendant because the acts and omissions of complained of herein occurred in Texas, the Defendant does and/or did do business in the State of Texas, has committed a tort, in whole or in part in Texas, is a resident and citizen of Texas, has minimum contacts with the State of Texas during the period of time complained of herein.
- 3.3 Venue is properly laid in the Fort Bend County, Texas because of all or a substantial part of Plaintiffs' cause of action arose in Fort Bend County, Texas.

IV. FACTS

- 4.1 On or about March 9, 2006, Plaintiff entered into a written contract with Lehman Bros. Bank by the terms of which the Plaintiff entered into a "Texas Home Equity Security Instrument" at the price of Eight Hundred and Eighty Thousand Dollars (\$880,000.00) owned by LEHMAN BROS. BANK regarding the real property located at 4306 Roth Dr., Missouri City, Texas 77459. Pursuant to the terms of the contract, Plaintiff was obligated to make monthly payments with the full debt due and payable on or by April 1, 2036.
- 4.2 As such, Plaintiff made his payments in a timely and consistent fashion through May, 2012.
- 4.3 In spite of Plaintiff's compliance over the next several years, he encountered the transfer and assignment of his mortgage several times from Lehman Brothers Bank to Aurora Loan Services, LLC and then finally to the Defendant Nationstar Mortgage, LLC.
- 4.4 Subsequently, it was transferred through the internal operations of Defendant Nationstar Mortgage, LLC to a newly named servicer "Mr. Cooper" which is apparently a part of the Defendant Nationstar as a "doing business as" component.

4.5 Throughout these transfers and assignments, Plaintiff has continued to encounter dilatory and repetitive actions and requests by each of the aforementioned mortgage servicers including litigation in an effort to ignore and prevent his loan workout request for a loan modification and/or short sale.

4.6 This is further evidenced by the handling and/or mishandling of the “broker price opinion” (B.P.O.) ordered by the Defendant Wilmington Trust National Assoc. and Nationstar Mortgage that confirmed and ratified the Plaintiff’s completed short sale package and documentation on or about January, 2022.

A copy of the BPO is attached as Exhibit A and incorporated fully by reference.

4.7 Subsequently, Applicant has again forwarded a new default notice to Plaintiff of which they dispute and have requested a validation of debt with no response.

4.8 AS a result, Plaintiff and his realtor have continued to make inquires to resolve this matter and finalize the short sale of the property.

4.9 In lieu of this request and Plaintiff’s contention of the validity of the total mortgage debt and discrepancies in their escrow account concerning insurance and ad valorem payments; any acceleration by Applicant is premature.

4.10 To wit, in accordance with Tex. R. Civ. P. 736(1)(F), Plaintiff disputes the existence of default under the security instrument that was alleged as of September, 2022 and demand strict proof thereof.

V. STATEMENT OF CLAIMS

5.1 Therefore, it has become necessary to bring this lawsuit for breach of contract by Defendant “Nationstar Mortgage, LLC” in failing to comply with the covenants stated in the Deed of Trust as it relates to the aforementioned “Texas Home Equity Security Instrument” on or about March 7, 2006.

A. BREACH OF CONTRACT

- 5.2 The elements of a breach of contract action are: (1) the existence of a valid contract; (2) performance or tendered performance by the Plaintiff; (3) breach by the defendant.
- 5.3 In the case at bar, one of the points of contention by the Plaintiff in the servicing of his mortgage note and contract by Defendant Nationstar Mortgage, LLC has been their failure to acknowledge and respond to his request for an accounting of his loan history. More specifically, in lieu of his inability to review his loan and payment history he has been denied his legal statutory rights to confirm the validation of his debt with the Defendants.

B. RESPA (REAL ESTATE SETTLEMENT PROCEDURES ACT) VIOLATIONS

- 5.4 Defendant committed several violations under RESPA Section 6(f), 12 U.S.C. § 2614, 12 C.F.R. § 1024.35, § 1024.39, and § 1024.41. Defendant has violated RESPA in the following ways, 1.) In failing to provide Plaintiff with a specific reason or reasons for Chase's determinations for each such trial or permanent loan modification option; 2.) In failing to provide accurate information to Plaintiff for loss mitigation options and foreclosure as required by 12 C.F.R. § 1024.39; 3.) In failing with a specific reason or reasons for denial of all loan workout alternatives prior to posting their home for foreclosure; 4.) In moving for foreclosure sale prior to providing a specific reason or reasons for denial of all loan workout alternatives.
- 5.5 Under 12U.S.C. § 2605(f), Regulation Z 24 C.F.R. § 3500, if the servicer fails to take one of the required actions within the time limit, under RESPA a borrower may recover:
- Any actual damages suffered by the borrower.
 - If there is a pattern of practice of servicer noncompliance, additional damages not to exceed \$2,000.00 and
 - Attorneys' fees and costs 12 U.S.C. § 2605[f][3].

Here, Plaintiff asserts that Defendant has violated several RESPA procedures causing Plaintiff to suffer actual damages.

C. NEGLIGENCE

- 5.6 Plaintiff alleged that, based on the loan agreement, which specifically incorporated the regulations of the Department of Housing and Urban Development (“HUD”), the Defendants had a duty to mortgagors and mortgage servicers, such as themselves, to provide notice of any transfers, assignment or sale of the note, to properly manage the loan and escrow account, to comply with the notice provisions contained in the deed of trust before accelerating the note and foreclosing on the property, and when applying for a mortgage modification to protect his rights and not mislead him. As shown above, Defendant breached the duties it owed to Plaintiffs and as a result of this breach they were damaged.

VI. ACTUAL DAMAGES

- 6.1 Regarding the causes of action and conduct alleged above, Plaintiff sustained pecuniary losses that were proximately caused by Defendants’ conduct. Plaintiff’s damages exceed the minimum jurisdictional limits of this Court.

VII. ATTORNEY FEES

- 7.1 Plaintiff is entitled to recover reasonable and necessary attorney's fees on his counterclaim for breach of contract under Texas Civil Practice & Remedies Code Chapter 38.

VIII. JURY DEMAND

- 8.1 Plaintiff requests a jury trial and tenders the appropriate fee with this Pleading.

IX. PRAYER

- 9.1 For these reasons, Plaintiff respectfully request that this Court enter judgment that Defendant for:
- a. Plaintiffs’ actual and special damages;
 - b. Attorneys’ fees;
 - c. Cost of Court;
 - d. Prejudgment and post-judgment interest at the highest lawful rate; and

- e. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,
Shackelford & Associates, LLC

/s/Ray L. Shackelford

Ray L. Shackelford

SBN: 18071500

1406 Southmore Blvd.

Houston, TX 77004

Phone: (713)520-8484

Fax: (713)520-8192

rshackctic@yahoo.com

Attorney for Plaintiff

STATE OF TEXAS)(

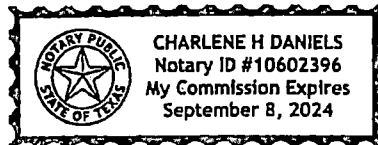
COUNTY OF FORT BEND)(

BEFORE ME, the undersigned authority, on this day personally appeared RICARDO AGUIRRE, Plaintiff who upon his oath deposed and stated that he has the authority to make this Affidavit and the facts and allegations contained in the foregoing pleading is true and correct and within his personal knowledge.



RICARDO AGUIRRE
Plaintiff

SUBSCRIBED and SWORN to before me on this 28th day of July, 2023, to which witness my hand and seal of office.



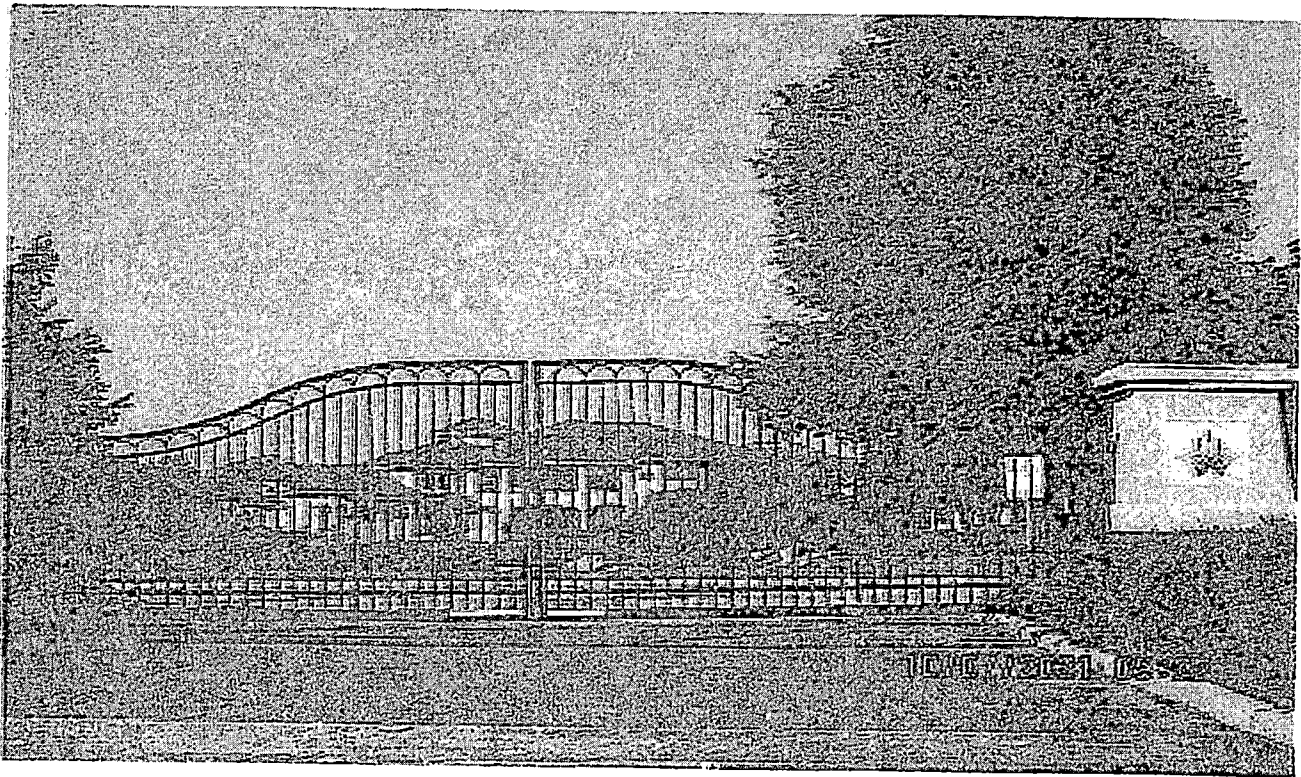


NOTARY PUBLIC – STATE OF TEXAS



BROKER PRICE OPINION
Exterior

Subject Address 4306 ROTH DR, MISSOURI CITY, TX 77459	Buyer Name Mr. Cooper Credit Risk Forward
Loan Number 599874666	Order Address 2780 Lake Vista Drive Building 3-1st Floor Lewisville, TX-75067
Inspection Effective Date 10/7/2021	Agent Name Gail Akromis
Order to Report Exterior	Agent Company Name Gail Akromis



RID# 327773880
ORDER ID# 12574266.1_202923

Contact Xome: 888-456-4317. Copyright ©2021 Xome Services LLC. All rights reserved.

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Address 4306 ROTH DR **City** MISSOURI CITY **State** TX **ZIP Code** 77459 **County** FORT BEND

Borrower _____ **Owner of Public Record** AGUIRRE, RICARDO **Inspection (Effective) Date** 10/7/2021

Property Type Single Family Residence **Occupancy** Occupied **Inspection Type** Exterior **Subject Zoning** Legal

Parcel # 8955-01-002-0020-907 **HOA Fees** \$1,050 **Special Assessment Fee** _____ **New Construction** No

Was the subject impacted by disaster in the past? No **Disaster Date** _____ **Is there evidence of a disaster?** _____

Is the subject currently listed for sale? No **Was the subject listed for sale in the last 12 months?** Yes **Days on Market** 829

Was the subject sold in the past 12 months? No **Date Sold** _____ **Original List Price** \$825,000 **Original List Date** 7/3/2019

Last Listing Broker Name Natasha Martinez **Last Listing Broker Company** ReFind Realty Inc **Last List Price** \$825,000 **Last List Date** 11/1/2019

Brief Description of Subject Property and Comments

The subject is located in a gated community and access to the property was denied. The last listing was withdrawn from the market on 3/6/2021. At that time it was a short sale listing and it had a pending contract. There was no indication in the listing that there were deferred maintenance issues with the property.

Location Suburban **Property Price Trend** Increasing **REO Trend** Stable **Marketing Trend** Increasing

Normal Days on Market 105 **Supply / Demand** Stable/Decreasing **Owner vs. Tenant** 94%

Vacancy Rate 0 to 5 **Median Market Rent** \$2,700

Approximate Number of Comparable Listings 7 **Approximate Number of Comparable Listings Corporate or REO** 0

Number of Comparable Sales in the last 12 months 31 **Comparable Sale Price Range** \$492,000 to \$2,000,000 **Median Price** \$852,000

Neighborhood Price Range \$492,000 to \$2,000,000 **Are there adverse external factors within 0.25 miles of the subject property?** No

Adverse External Factors Comments

Neighborhood Comments

During the last six months there were 125 houses on the market within a mile radius of the subject. Of those properties 2 were like kind to the subject. The shortage of like kind house is due to the subject's larger living area. Due to the small number of houses on the market the criteria were expanded to include houses built within ten years of the subject, within 20% of the subject's living area and located within a two mile radius of the subject. Within those criteria there were 29 houses that were considered to be like kind to the subject. Those houses had a distressed property rate of 3%. Currently there is one active short sale listing on the market among the 29 houses. That listing is located in the same gated community as the subject and has been on the market for over 900 days. Current listings have been on the market an average of 167 days.

Construction Damaged **Environmental Zoning** **Market Activity Boarded** **Stigma Other**

Not Applicable **Environmental Zoning** **Market Activity Boarded** **Stigma Other**

Red Flag Comments

Feature	Subject	Comparable Sale 1		Comparable Sale 2		Comparable Sale 3	
Address	4306 ROTH DR	4707 Riverstone Crossing Dr		5322 Briarwick Meadow Ln		4903 SHAPIRO CT	
City, State, ZIP Code	MISSOURI CITY, TX 77459	Sugar Land, 77479		Sugar Land, TX 77479		MISSOURI CITY, TX 77459	
Data Source	MLS	MLS		MLS		MLS	
MLS#	63380513	30238354		10189938		47406685	
Proximity to Subject		1		2,3		0.22	
Original List Date		7/14/2021		3/18/2021		8/14/2020	
Original List Price		\$695,800		\$699,900		\$1,098,800	
Sale Date		8/18/2021		5/1/2021		3/12/2021	
Sale Price		\$704,000		\$760,000		\$1,001,000	
DOM		35		44		210	
Property Type	Single Family Residence	SFD		SFD		SFD	
Loan Type	Conventional Loan	Conventional Loan		Conventional Loan		Conventional Loan	
Sale Type	FMV	FMV		FMV		FMV	
Comparable Adjustments		Feature	Adjustment	Feature	Adjustment	Feature	Adjustment
Date of Sale		08/18/2021		05/01/2021		03/12/2021	
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site Size	13116	12423	\$1,200	11589	\$2,600	14494	\$-3,500
Condition	C3 - Average	C3 - Average	\$0	C3 - Average	\$0	C3 - Average	\$0
Year Built	2004	2005		2010		2007	
Gross Living Area	5757	4502	\$105,600	5474	\$41,500	6311	\$-90,000
View	NONE	NONE	\$0	NONE	\$0	WATER	\$-110,000
Total Rooms	12	11		12		10	
Bedrooms	5	5		5		6	
Full Bathrooms	4	3	\$2,000	5	\$-2,000	5	\$-2,000
Half Bathrooms	1	1		1		1	
Basement Area (Sq. Ft)	0	0		0		0	
Basement % Finished							
Price per Sq. Ft.		\$156.37		\$138.84		\$158.61	
Parking Type	Garage	Garage		Garage		Garage	
# Parking Stalls	3	2	\$1,000	3		4	\$-1,000
Energy Efficient Items	NONE	NONE	\$0	NONE	\$0	NONE	\$0
Amenities (Sps, Patio, Deck, etc.)	porch, fence, patio	porch, fence, patio		porch, fence, patio		porch, fence, patio	
Pool	NO	YES	\$-40,000	YES	\$-43,000	YES	\$-57,000
Fireplace	YES	YES	\$0	YES	\$0	YES	\$0
Overall Comparability		Equal		Equal		Equal	
Sales Concessions							
Special Assessments							
# of Units	1	1		1		1	
Design	Traditional	Traditional		Traditional		Traditional	
Heating/ Cooling	CENTRAL A/C	CENTRAL A/C	\$0	CENTRAL A/C	\$0	CENTRAL A/C	\$0
Water	City	City		City		City	
Sewer	City	City		City		City	
Total Adjustment	Subject	Comparable Sale 1		Comparable Sale 2		Comparable Sale 3	
Net Adjustment		\$69,800		\$-700		\$-263,500	
Gross Adjustment		\$149,800		\$89,300		\$-263,500	
Adjusted Sale Price		\$773,800		\$759,300		\$737,500	

Feature	Subject	Comparable Listing 1		Comparable Listing 2		Comparable Listing 3	
Address	4306 ROTH DR	4126 SCENIC VALLEY LN		4414 ROTH DR		4407 CLEAR LAKE CT	
City, State, ZIP Code	MISSOURI CITY, TX 77459	SUGAR LAND, TX 77479		MISSOURI CITY, TX 77459		MISSOURI CITY, TX 77459	
Data Source	MLS	MLS		MLS		MLS	
MLS#	63380513	10402764		75452004		13120100	
Proximity to Subject		1.82		0.1		0.15	
Original List Date		10/6/2021		9/23/2021		8/31/2021	
Original List Price		\$697,000		\$759,000		\$769,000	
List Date		10/6/2021		9/23/2021		9/26/2021	
List Price		\$697,000		\$759,000		\$749,000	
DOM		3		16		39	
Property Type	Single Family Residence	SFD		SFD		SFD	
Loan Type	Conventional Loan	Conventional Loan		Conventional Loan		Conventional Loan	
Listing Type	FMV	FMV		FMV		FMV	
Comparable Adjustments		Feature	Adjustment	Feature	Adjustment	Feature	Adjustment
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site Size	13116	9689	\$5,700	12654	\$840	12954	\$290
Condition	C3 - Average	C3 - Average	\$0	C3 - Average	\$0	C3 - Average	\$0
Year Built	2004	2019		2005		2003	
Gross Living Area	5757	4861	\$104,550	4040	\$113,850	4143	\$112,350
View	NONE	NONE	\$0	NONE	\$0	NONE	\$0
Total Rooms	12	11		10		11	
Bedrooms	5	5		4		5	
Full Bathrooms	4	5	\$-2,000	3	\$2,000	3	\$2,000
Half Bathrooms	1	2	\$-1,000	1		1	
Basement Area (Sq. Ft)	0	0		0		0	
Basement % Finished							
Price per Sq. Ft.		\$143.39		\$187.87		\$180.79	
Parking Type	Garage	Garage		Garage		Garage	
# Parking Stalls	3	2	\$1,000	3		3	
Energy Efficient Items	NONE	NONE	\$0	NONE	\$0	NONE	\$0
Amenities (Spa, Patio, Deck, etc.)	porch, fence, patio	porch, fence, patio		porch, fence, patio		porch, fence, patio	
Pool	NO	NO	\$0	NO	\$0	YES	\$-43,000
Fireplace	YES	YES	\$0	YES	\$0	YES	\$0
Overall Comparability		Equal		Equal		Equal	
Listing Concessions		0		0		0	
Special Assessments							
# of Units	1	1		1		1	
Design	Traditional	Traditional		Traditional		Traditional	
Heating / Cooling	CENTRAL A/C	CENTRAL A/C	\$0	CENTRAL A/C	\$0	CENTRAL A/C	\$0
Water	City	City		City		City	
Sewer	City	City		City		City	
Total Adjustment	Subject	Comparable Listing 1		Comparable Listing 2		Comparable Listing 3	
Net Adjustment		\$108,250		\$116,690		\$71,640	
Gross Adjustment		\$114,250		\$116,690		\$157,640	
Adjusted List Price		\$805,250		\$875,690		\$820,640	

Comparable Sale 1

Agent Comments: MLS notes DOM and CDOM was 8. The loan type is unknown. This property is across the street from the lake and has a limited water view.

Comparable Sale 2

Agent Comments: MLS notes DOM and CDOM was 4. The loan type is unknown. No recent updates are noted but the house does feature upgrades that would be expected in this market.

Comparable Sale 3

Agent Comments: MLS notes DOM and CDOM was 175. The loan type is unknown. The house features a view of the water from across the street from the lake. The house features builder upgrades.

MLS Comments: LUXURIOUS CUSTOM HOME SITUATED IN ONE OF RIVERSTONE'S PRESTIGIOUS GATED COMMUNITIES SURROUNDED BY LAKES & TREES! THIS GORGEOUS ESTATE HAS A STUCCO EXTERIOR WITH TILE ROOF & 4 CAR GARAGES. TERRIFIC FLOOR PLAN 2/BEDROOMS DOWN! DRAMATIC ENTRY W/SPIRAL STAIRCASE AND DOME, ELEGANT FORMAL DINING W/HANDELLIER, CUSTOM CEILING, AND WET BAR, LARGE FAMILY ROOM W/BUILTINS, FIREPLACE AND STONE FLOORS LEADS TO AN IMPRESSIVE KITCHEN W/CUSTOM FURNITURE-LIKE CABINETRY, HIGH-END APPLIANCES, AND GRANITE COUNTER TOPS. LARGE MASTER SUITE W/SPA-LIKE MASTER BATH AND HUGE CLOSET! HANDSOME STUDY W/CUSTOM WOOD PANELING. LARGE GAMEROOM WITH BAR AREA & MICROWAVE, MEDIA ROOM W/MULTI-LEVEL SEATING, LARGE SECONDARY BEDROOMS & CLOSETS. BACKYARD OASIS W/LUSH LANDSCAPING, POOL W/WATERFALLS, LARGE OUTDOOR LIVING ROOM W/FIREPLACE AND OUTDOOR KITCHEN, AND PLENTY OF GREEN SPACE FOR KIDS/PETS AND GARDENING! NO REAR NEIGHBORS FOR PRIVACY! ZONED TO FORT BEND SCHOOLS. CALL TODAY - PRICED TO SELL!

Comparable Listing 1

Agent Comments: The house features builder upgrades but no recent updates are noted.

MLS Comments: VIRTUAL TOUR VIDEO ABOVE! Unique and Beautiful Coventry Home is located in the most sought after master planned community Riverstone. This stunning custom build 5 bedroom home featuring 2.5 stories, 2 MASTER SUITES, media room on private 3rd level w/half bath. Soaring wood beamed ceiling, gorgeous fireplace w/stone accent wall, dramatic interior w/hard flooring throughout the main living areas, wine room, dining room & study, gourmet chef's kitchen w/oversized island. Super spacious and over \$115,000 of upgrades. Covered patio w/outdoor grill is ideal spot for entertainment. Oversized lot, awarding schools & convenient location near shopping, restaurants, this home is sure to delight you!

Comparable Listing 2

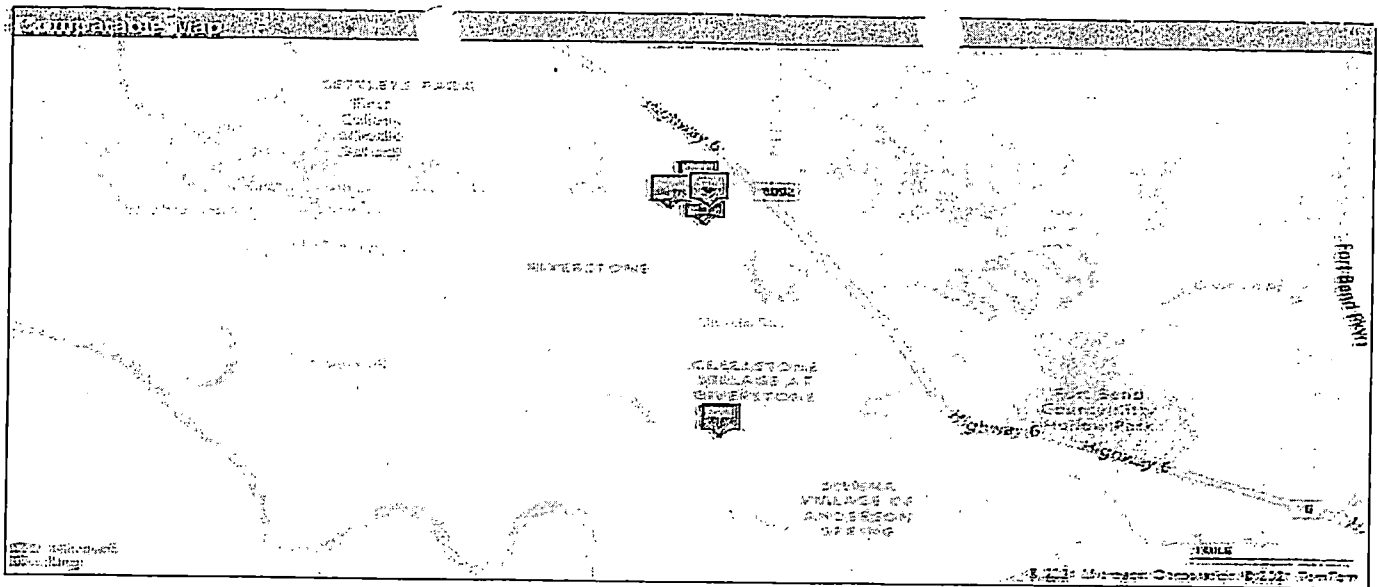
Agent Comments: MLS notes DOM is 12 and CDOM is 57. This property has a pending contract. The subject and the comp are located on the same street within a gated community and both properties back to a commuter road and have no view of the lake.

MLS Comments: GATED RIVERSTONE SUBDIVISION. Rare one story Mediterranean style home with clay tile roof. Located in Waters Cove at Riverstone gated community. No back yard neighbors. Home features 3 garages, 4 bedrooms and 3.5 baths. Kitchen area is open to family/living room. Separate formal dining, study/office, and utility room all on same floor. Master bedroom has two separate walk-in closets. Bath 3 includes a glass door for access to the backyard, patio and lawn. Home includes a wet bar with a space for ice making machine. Complete with a finished bonus room upstairs (15'X23') that overlooks the back yard. All custom drapery is staying. All stainless steel appliances are built in and staying as well. Washer and dryer can stay.

Comparable Listing 3

Agent Comments: MLS notes DOM and CDOM are 28. This property has a pending contract. While no recent updates are noted the house does have builder upgrades.

MLS Comments: GORGEOUS TWO STORY HOME ON QUIET CUL-DE-SAC WITH PRIVATE POOL SITUATED IN ONE OF RIVERSTONE'S PRESTIGIOUS GATED COMMUNITIES SURROUNDED BY LAKES AND BEAUTIFUL LANDSCAPING THROUGHOUT. STUCCO EXTERIOR WITH TILE ROOF & 3 CAR GARAGES, 5 BED/3.5 BATH, HOME OFFICE/STUDIO, TWO STORY FOYER, FORMAL DINING AND LIVING ROOM, LARGE FAMILY ROOM OVERLOOKING POOL, ISLAND KITCHEN, GRANITE COUNTER TOPS, DOUBLE OVENS, LARGE GAMEROOM UPSTAIRS, POOL WITH FOUNTAIN AND SPA, GENEROUS BACKYARD FOR KIDS/PETS AND GARDENING, PLENTY OF PATIO TO ENJOY OUTDOORS AND POOL SPRINKLER SYSTEM. NEVER FLOODED!




Repairs		
Type	Description	Estimated Cost
Painting		
Foundation		
Landscaping		
Roof		
Windows		
Other		
Pool		
Cleaning/Trash Removal		
Total Repair Cost		

	Price Opinion	Suggested List Price	Market Rent	
As Is	\$770,000	\$790,000		\$4,000
As Repaired	\$770,000	\$790,000		
0 - 90 Days	\$738,000	\$750,000	Land Value	\$160,000
0 - 90 Days - Repaired	\$738,000			

DISCLOSURE COMMENTS

The subject and all of the comps are located in the same master planned community known as Riverstone. Listing comps two and three and sold comp three are located in the same gated community as the subject. Within this community is a lake and houses that are located on the lake will have a higher value than those off the lake. Sold comp three is located across the street from the lake but does have a view of the lake from the front of the house. Listing comp two and three and the subject are located on the perimeter of the subdivision and back to a commuter road. The location of these three properties will have a negative impact on the value of the properties. This section of the master planned community was one of the first to be built in the master planned community. Since that time the community has developed extensively and the values in this particular section of the master planned community have been negatively impacted by the development of the newer sections.

BROKER INFORMATION			
Signature		Prepared By	Gail Akromis
Broker / License Number	581587	Signature Date	10/9/2021
Managing Broker	Gail Akromis	Broker / License State	TX
Company	Gail Akromis	Company Address	1703 Coles Farm Dr ,Sugar Land,TX-77478

DISCLAIMER

This Broker Price Opinion was prepared by a licensed real estate broker and is not an appraisal, the report provides a Price Opinion, Suggested List Price, Suggested List Market Rent and suggested Price Opinion of the vacant site. This Broker Price Opinion cannot be used for the purpose of obtaining financing. Neither Xome Services LLC ("Xome") nor any of its affiliates, members, managers, employees or contractors makes any representation or warranty as to the accuracy or completeness of the information contained in this report and are not liable for the accuracy of such information related thereto. The information contained in this report is deemed to be valid and reliable but is not guaranteed. You should use good faith efforts in determining that the content of all information to be provided to or obtained by you is accurate. The data, and information derived from such data, in this report is provided on an "AS AVAILABLE" and "AS IS" basis and is provided for informational purposes only. This analysis has been performed by a licensed real estate professional and is intended for the benefit of the ordering party only. All uses of this report are at the user's sole risk. Your use of this report must in all cases comply with all applicable laws and regulations.

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Ray Shackelford on behalf of Ray Shackelford
Bar No. 18071500
rshackctic@yahoo.com
Envelope ID: 78013857
Filing Code Description: Petition
Filing Description: Plaintiff's Original Petition
Status as of 7/31/2023 8:51 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ray LShackelford		rshackctic@yahoo.com	7/29/2023 3:22:06 PM	SENT
TAMMY RICHARD		tammy.richard59@yahoo.com	7/29/2023 3:22:06 PM	SENT

CAUSE NO. 2023-67809

	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
VS.	§	_____ PROBATE COURT
	§	
	§	
<i>Defendant.</i>	§	HARRIS COUNTY, TEXAS

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, as _____, and as next of friend to _____, and _____, (collectively “Plaintiffs”), who moves the court on behalf of the _____ (“Decedent”). And complains of Defendant _____ and in support thereof would show the Court as follows:

I. JURISDICTION

The Plaintiff states that under Texas Estate Code §32.007(1) this Court has proper jurisdiction. As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff’s counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff’s counsel states that Plaintiff seeks monetary relief, the maximum of which is over \$1,000,000. Plaintiff also seeks prejudgment and post-judgment interest at the highest statutory rate allowed.

II. DISCOVERY LEVEL

Plaintiffs declares that discovery in this lawsuit is intended to be conducted under Level 2.

III. PARTIES

Plaintiffs are individuals all related to the Decedent, and all of the Plaintiffs reside in _____ County, Texas Defendant _____ is a foreign limited liability

company which may be served with process by serving its registered agent for service of process

_____.

IV. VENUE

Venue is proper in _____ County pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 15.002 because the negligent actions of the Defendant, and the death of _____ cause by those actions which make the basis of this suit occurred in _____ County, Texas.

V. FACTS

VI. CAUSES OF ACTION AGAINST DEFENDANT

COUNT I: PROXIMATE AND DIRECT NEGLIGENCE

Plaintiffs re-alleges and incorporate the preceding factual account as set forth in Section IV of this petition fully at length. At the time and on the occasion in question, Defendants owed duties to Decedent,:

1. ;
2. Failing to;
3. Failing to;
4. Failing to;
5. Failing to;
6. Failing to.

Each of such acts and omissions, singularly or in combination with others constituted negligence, gross negligence, and negligence per se which proximately caused the incident, and which resulted in the death of _____.

COUNT II: WRONGFUL DEATH & SURVIVAL CLAIMS

Plaintiffs re-allege and incorporate the preceding factual account as set forth in Section IV of this petition fully at length. Defendants are liable for damages arising from the Decedent's illness/injuries that caused his death because Defendants' or their agents' or servants' engaged in: a wrongful act, neglect, carelessness, unskillfulness, or default. (See Tex. Civ. Prac. & Rem. Code Ann. § 71.002(b).) Additionally, Plaintiff seeks damages incurred by Decedent due to the illness /injuries he contracted and sustained whilst in the course and scope of his employment as a direct result of Defendants' negligence pursuant to Tex. Civ Prac. & Rem. Code 71.021. All conditions precedent to the filing of this lawsuit bringing said causes of action have been performed or have occurred.

VII. DAMAGES

This is a suit to recover monetary relief, the maximum of which is over \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. These damages are sought from Defendants' negligence regarding an on the job injury which was ultimately fatal.

VIII. NOTICE OF INTENT TO USE DOCUMENTS PRODUCED AT ANY PRE-TRIAL PROCEEDING AND/OR AT TRIAL

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff gives notice to all parties in this matter that Plaintiff intends to use any and all documents produced by any and/or all parties in discovery, attached to depositions as exhibits, or produced for inspection at deposition in this case at any pre-trial proceeding and/or at trial.

IX. PRAYER

WHEREFORE, Plaintiff requests that Defendants be cited to appear and answer and that on final hearing or upon trial Plaintiffs have final judgment against Defendants for an amount within the jurisdictional limits of the Court, together with interest at the lawful rate from

_____, until judgment, and post-judgment interest at the lawful rate, costs of court and for such other and further relief, at law or in equity to which Plaintiff is justly entitled.

X. REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, please disclosure all information identified in Rule 194.2 (a) – (l).

Respectfully submitted,

SHACKELFORD & ASSOCIATES, LLC

/s/Ray L. Shackelford

RAY L. SHACKELFORD

SBN: 18071500

1406 Southmore Blvd.

Houston, Texas 77004

(713) 520-8484-Office

(713) 520-8192 - Facsimile

rshacketic@yahoo.com

Attorney for Plaintiff

**SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: NATIONSTAR MORTGAGE, LLC DBA MR. COOPER
REGISTERED AGENT CORPORATION SERVICE CO
DBA CSC LAWYERS INCORPORATION SERVICE CO
211 EAST 7TH STREET STE 620
AUSTIN TX 78701**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION** filed on **July 31, 2023**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

The case is presently pending before the **458TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **23-DCV-306608** and is styled:

RICARDO AGUIRRE VS. NATIONSTAR MORTGAGE, LLC DBA MR. COOPER AND WILMINGTON TRUST NATIONAL ASSOC.

The name and address of the attorney for **PLAINTIFF(S)** is:

**RAY L SHACKELFORD
SHACKELFORD & ASSOCIATES LLC
1406 SOUTHMORE BLVD
HOUSTON TX 77004
713-520-8484**

The nature of the demands of said **PLAINTIFF(S)** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 3rd day of August, 2023.

**BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS**

Physical Address:

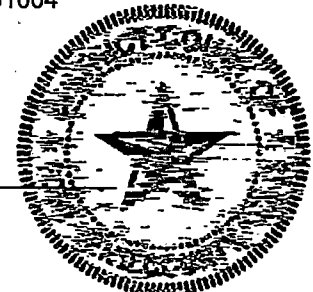
1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: _____

Salena M Jasso
Deputy District Clerk SALENA M JASSO
Telephone: (281) 341-3787



SERVICE

23-DCV-306608

458th Judicial District Court

Ricardo Aguirre vs. Nationstar Mortgage, LLC DBA Mr. Cooper and Wilmington Trust National Assoc.

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at _____ o'clock __M. Executed at _____, within the County of _____, at _____ o'clock __M. on the _____ day of _____, 20__, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ___ citation at \$80.00 each \$ _____

Name of Officer or Authorized Person

County, Texas

By: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

SERVICE

Citation issued to Nationstar Mortgage, LLC DBA Mr. Cooper on 8/3/2023.