

EXHIBIT A-17

CAUSE NO. 202359141

JEFF SAMUELS,

Plaintiff,

v.

**AVT TITLE SERVICES LLC,
DEUTSCHE BANK NATIONAL
TRUST CO., PHH MORTGAGE
CORP. POWER DEFAULT SERVICES
INC.,**

Defendants.

JOANNA BURKE,

Intervenor-Plaintiff,

v.

**AVT TITLE SERVICES LLC,
DEUTSCHE BANK NATIONAL
TRUST CO., PHH MORTGAGE
CORP. POWER DEFAULT SERVICES
INC.,**

Intervenor-Defendants.

IN THE DISTRICT COURT

234TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

DEFENDANT AVT TITLE SERVICES, LLC'S ORIGINAL ANSWER AND VERIFIED DENIAL TO INTERVENOR-PLAINTIFF'S PETITION IN INTERVENTION

Defendant AVT Title Services, LLC, Substitute Trustee ("Defendant") files this its *Original Answer and Verified Denial* and shows the Court as follows:

I. GENERAL DENIAL

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every allegation contained in Intervenor-Plaintiff's Joanna Burke's ("Intervenor-Plaintiff") *Verified Petition in Intervention Seeking Declaratory Judgment with Application for*

Injunctive Relief by Joanna Burke (“Petition”), and any amendments or supplements thereto, and demands strict proof thereof.

II. VERIFIED DENIAL

2. Defendant is not a necessary party to this cause of action by reason of its reasonable belief that it was named as a party solely in its capacity as a substitute trustee under a Deed of Trust as contemplated by Section 51.007 of the Texas Property Code. Intervenor-Plaintiff’s Petition demonstrates that all of its claims against Defendant relates to their alleged actions taken as a substitute trustee. (*See* Petition). Intervenor-Plaintiff brings a claim against Defendant for declaratory judgment and requests an injunction seeking only to restrain Defendant in its trustee capacity from proceeding with the subject foreclosure sale.

III. AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses:

3. Defendant’s conduct or activity conformed at all times to any and all applicable state and federal statutes, codes, and regulations.

4. Any allegedly wrongful acts or omissions of Defendant, if and to the extent such acts and omissions occurred, were legally excused or justified.

5. Any alleged wrongful acts or omissions of Defendant, if and to the extent such acts or omissions occurred, were not intentional and resulted from a bona fide error.

6. Defendant is not liable for the acts, omissions, or conduct of other persons or entities not authorized to act on behalf of it; pleading further, and in the alternative, Defendant is not liable for the acts, omissions, or conduct of its agents who exceeded the scope of their authority.

7. Defendant’s actions and omissions were undertaken in good faith, with the absence of malicious intent to injure Intervenor-Plaintiff, and constitute lawful, proper and justified means

to further the business purposes of Defendant. Any purported conduct of individuals who were or are agents of Defendant were privileged, and those individuals were and are justified in engaging in the conduct attributed to them. Defendant pleads all statutory and common law privileges that may apply to its conduct and those of its agents.

8. Intervenor-Plaintiff's claims are barred, in whole or in part, by the doctrines of judicial estoppel, collateral estoppel, quasi estoppel, contractual estoppel, equitable estoppel and res judicata.

9. Intervenor-Plaintiff has failed to mitigate her damages.

10. Intervenor-Plaintiff's damages, if any, were proximately caused by the acts, omissions, or breaches of other persons and entities, including Intervenor-Plaintiff, and the acts, omissions, or breaches were intervening and superseding causes of Intervenor-Plaintiff's damages, if any.

11. Intervenor-Plaintiff lacks clean hands to bring an action in equity.

12. Intervenor-Plaintiff has failed to state a claim upon which relief may be granted.

WHEREFORE, PREMISES CONSIDERED, Defendant AVT Title Services, LLC prays that Intervenor-Plaintiff take nothing on her claims; Defendant recover its attorneys' fees and costs; Defendant be dismissed from this case, and the Court award such other and further relief to which Defendant may be justly entitled at law or in equity.

Respectfully submitted,

By: /s/ Cheyenne D. Haley
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*Attorneys For Defendant AVT Title Services,
LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that on December 15, 2023, a true and correct copy of the foregoing document was delivered as stated below on the following:

VIA U.S. MAIL:
Jeff Samuels
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VIA U.S. Mail and TX E-File:

/s/ Cheyenne D. Haley
CHEYENNE D. HALEY

DECLARATION

Pursuant to Section 132.001 of the Texas Civil Practice and Remedies Code, I declare under penalty of perjury that the following statements are true and correct:

1. My name is Cheyenne D. Haley. I am over the age of 21 years, have never been convicted of a crime, and am fully competent to make this declaration. I have personal knowledge of all the facts stated herein, and all statements of fact contained herein are true and correct.

2. I am counsel of record for Defendant AVT Title Services, LLC in the above-numbered and styled cause.

3. I have read the foregoing *Original Answer and Verified Denial to Intervenor-Plaintiff's Petition in Intervention* and affirm that the statements contained in Section II, Verified Plea are within my personal knowledge and are true and correct.

4. My name is Cheyenne D. Haley, my date of birth is July 29, 1997 and my address is 14160 N. Dallas Parkway, Suite 9020, Dallas, Texas 75254, in the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on December 15, 2023.



CHEYENNE D. HALEY

Automated Certificate of eService

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Janay Breckenridge on behalf of Cheyenne Haley

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Filing Code Description: Notice

Filing Description: Notice of Appearance as Additional Counsel for Defendant

Status as of 12/15/2023 4:29 PM CST

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