2018-79532 / Court: 295

11/2/2018 6:36:47 AM Chris Daniel - District Clerk Harris County Envelope No: 28745089 By: HUTCHINSON, MIAEDA A Filed: 11/2/2018 6:36:47 AM

NO		TRORX
THOMAS A WILLBERN, III	§ §	IN THE DISTRICT COURT CASO
Plaintiff	§ § 8	
v.	\$ \$	OF HARRIS COUNTY, TEXAS
BAYVIEW LOAN SERVICING, LLC,	3 69 69 69	
Defendant	\$	TH JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR PRELIMINARY INIUNCTION

- 1. After considering Plaintiff THOMAS WILLBERN, III's application for temporary restraining order, the pleadings, the affidavits, and arguments of counsel, the court finds there is evidence that harm is imminent to Plaintiff, and if the court does not issue the temporary restraining order, Plaintiff will be irreparably injured due to foreclosure on his property. Plaintiffs have no adequate remedy at law.
- 2. Plaintiff has attempted to deliver a copy of this filing to the only know attorneys associated with Defendant and has attempted to notify them of the presentment of this application to the Court.
- 3. Therefore, by this order, the Court orders the following:
- 2. Plaintiffs have delivered a copy of this filing to the only know attorney associated with Defendant and have notified said firm of the presentment of this application to the Court.
- 3. Therefore, by this order, the Court orders the following:
 - a. Defendant BAYVIEW LOAN SERVICING, LLC is hereby restrained and enjoined from proceeding with the scheduled November 6, 2018 foreclosure sale or instituting another foreclosure sale or other transfer of interest or interference with the property located at 15302 Lakeview Dr., Houston, Texas 77040 ("the subject property"). This injunction applies equally to any and all employees, agents or attorneys representing or acting on behalf of the named Defendants.

- b. Defendant is ordered to produce the following documents prior to the temporary injunction at the office of C. Greg Goodrum, 16225 Park Ten Place Dr., Suite 500, Houston, Texas 77084:
 - 1. All documents in Defendants possession, showing how Defendants received interests in the North American Loan and the Exhibit A Deed of Trust and any and all other documents pertaining to Defendants right to receive payments, accelerate the mortgage loan on the subject property, or institute foreclosure proceedings on the subject property. Additionally, all documents showing North American Mortgage Corporation executed a power of attorney or other designation allowing another entity to convey its interest.
 - 2. All documents in Defendants' possession pertaining to any acceleration of the debt associated with the subject property.
 - 3. All documents in Defendants' possession pertaining to any rescission of the 2010 acceleration of debt associated with the subject property.

c. Bond is set at \$100.00.

This order expires on 11/16, 2018 12, 2018 11:00 A.M. Heaving Set For November 19, 2018 11:00 A.M. SIGNED on November 2, 2018, at 11:26 (a.m.) p.m.

JUDGE PRESIDING