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**CAUSE NO.** \_\_\_\_\_

**RAGNAR DEVELOPMENT, LLC** § **IN THE COUNTY COURT AT LAW**  
v. § **NO. \_\_\_\_\_ OF**  
**UNITED STATES DEPARTMENT OF** §  
**VETERANS AFFAIRS** § **HARRIS COUNTY, TEXAS**

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Ragnar Development, LLC, Plaintiff herein, filing this its Original Petition complaining of the United States Department of Veterans Affairs, Defendant herein, and for causes of action would respectfully show the Court as follows:

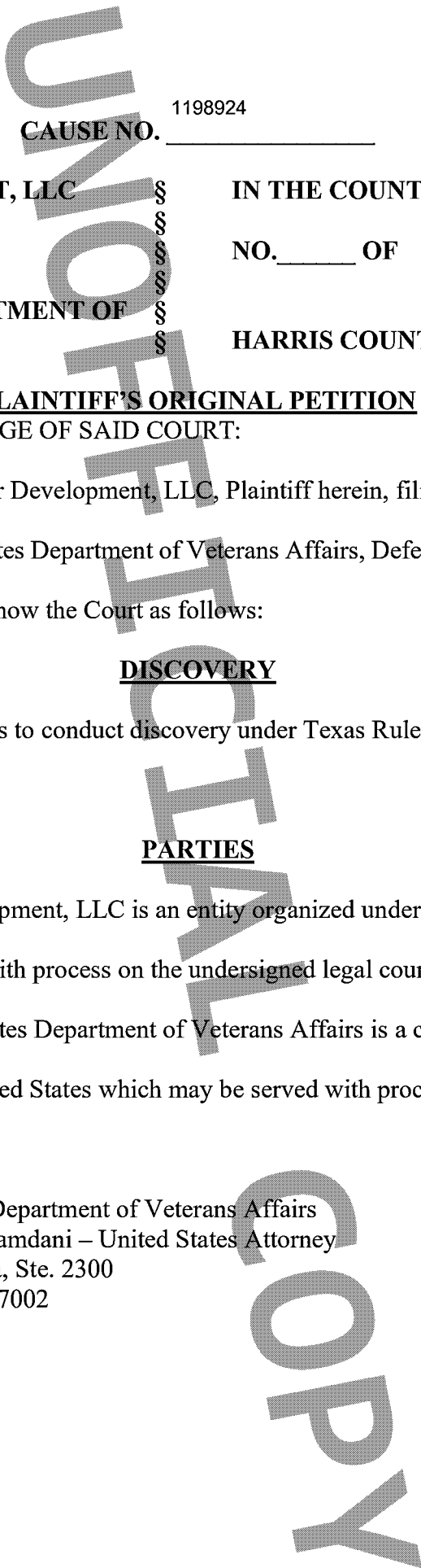
**DISCOVERY**

1. Plaintiff intends to conduct discovery under Texas Rules of Civil Procedure 190.3 (Level 2).

**PARTIES**

2. Ragnar Development, LLC is an entity organized under the laws of the State of Texas which may be served with process on the undersigned legal counsel.
3. The United States Department of Veterans Affairs is a cabinet-level executive branch department of the United States which may be served with process on its registered agent as follows:

United States Department of Veterans Affairs  
c/o Alamdar Hamdani – United States Attorney  
1000 Louisiana, Ste. 2300  
Houston, TX 77002



## JURISDICTION AND VENUE

4. The Court has jurisdiction over the United States Department of Veterans Affairs because the Defendant is a cabinet-level executive branch department of the United States which conducts business in Harris County, Texas.

6. The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of the Court. Venue is mandatory in Harris County, Texas because the subject matter of this lawsuit involves real property which is located in Harris County, Texas. Further, all or a substantial part of the events or omissions giving rise to Plaintiff's causes of action occurred in Harris County, Texas thus venue is proper under §15.002(a)(1) of the Texas Civil Practice and Remedies Code.

## RELEVANT FACTS

7. The subject matter of this lawsuit is the real property and the improvements thereon located at 7827 Leonora Street, Houston, TX 77061 (the "Property").

8. On or about September 17, 1997 the Department of Veterans Affairs purchased the Property from Fleet Mortgage Corporation. During the process of purchasing the Property the Department of Veterans Affairs ("VA" or Defendant") executed a Warranty Deed. A true and correct copy of the Warranty Deed is attached hereto as Exhibit "1" and incorporated herein for all purposes.

9. Doroteo Espinoza and Gloria E. Espinoza purchased the Property on or about March 20, 1998 from Defendant. During the process of purchasing the Property, the Espinozas executed a Promissory Note ("Note") in the amount of \$32,350.00 as well as a Deed of Trust in which the Department of Veterans Affairs is listed as the Lender. A true and correct copy of the Deed of Trust as well as the related Special Warranty Deed with Vendor's Lien is attached hereto as Exhibit "2"

and Exhibit “3” respectively and incorporated herein for all purposes.

10. Due to unpaid HOA assessments, Glenbrook Patiohome Owners Association filed Cause No. 2016-77412; Glenbrook Patiohome Owners Association v Doroteo Espinoza and Gloria Espinoza; in the 215<sup>th</sup> Judicial District Court of Harris County, Texas; and was subsequently awarded a Final Default Judgment on March 20, 2018. Pursuant to the Final Default Judgment, the Property was sold to Roxella, LLC at a Constable’s Sale on August 7, 2018. A true and correct copy of the related Final Default Judgment and Deed under Execution and Order of Sale is attached hereto as Exhibits “4” and “5” respectively and incorporated herein for all purposes.

11. In a substantially similar set of circumstances, Glenbrook Patiohome Owners Association filed Cause No. 2019-78544; Glenbrook Patiohome Owners Association v Roxella, LLC; in the 61st Judicial District Court of Harris County, Texas, and was subsequently awarded a Final Default Judgment on June 25, 2020 and an Order of Sale on June 17, 2021. Pursuant to the Final Default Judgment, Ragnar Development, LLC (“Plaintiff” or “Ragnar”) purchased the Property at a Constable’s Sale on September 7, 2021. A true and correct copy of the related Final Default Judgment as well as the Deed under Execution and Order of Sale is attached hereto as Exhibits “6” and “7” respectively and incorporated herein for all purposes.

12. While performing its due diligence, Plaintiff found that Defendant still held a lien on its Property thus clouding its right to clear title of the Property. Plaintiff’s counsel reached out to Defendant in an email chain starting December 29, 2022 attempting to resolve the matter by requesting that the VA execute a release of lien or quitclaim deed to be subsequently filed at Plaintiff’s expense. Sherry L. Conley, the point of contact and representative of VA stated that Carrington Mortgage Services, LLC was the file holder; but no record of an assignment of lien to Carrington Mortgage Services, LLC has been recorded with the Harris County Real Property

Records at the time of filing this suit.

13. Within the email chain, Defendant's representative, Sherry L. Connelly, stated that "According to VA's records, VA does not have a legal interest in this property." However, the requests to have the VA execute a release of lien or in the alternative a quitclaim deed were declined, and Plaintiff was encouraged to file suit if it felt otherwise. A true and correct copy of the email correspondence between Defendant and Plaintiff's Counsel is attached hereto as Exhibit "8" and incorporated herein for all purposes.

**FIRST CAUSE OF ACTION:  
DECLARATORY JUDGMENT**

14. To the extent not inconsistent herewith, Plaintiff incorporates by reference the allegations made in paragraphs 1 through 13 as if set forth fully herein.

15. Plaintiff seeks a determination of the rights of the parties pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 37.001, *et seq.* (West). In particular, Plaintiff seeks a determination that the lien held by the United States Department of Veterans Affairs should be deemed void ab initio or in the alternative have the Deed of Trust deemed invalid and fraudulent by virtue of the expiration of the Statute of Limitations pursuant to Texas C.P.R.C. §16.035.

16. Plaintiff seeks a Declaratory Judgment that establishes Plaintiff's claim to free and clear title of the Property deeming Defendant's lien void ab initio.

**SECOND CAUSE OF ACTION:  
FRAUDULENT OR INVALID LIEN**

17. To the extent not inconsistent herewith, Plaintiff incorporates by reference the allegations made in paragraphs 1 through 15 as if set forth fully herein.

18. Plaintiff brings a claim for Fraudulent or Invalid Lien. A claim for fraudulent or invalid lien is necessary because:

- A. Plaintiff has an interest in specific real property;
- B. Plaintiff's claim to title to the specific real property is affected by Defendant's Deed of Trust lien clouding title;
- C. Defendant has represented that it has no legal interest on the Property yet refuses to release its lien;
- D. Defendant has not shown any attempt to collect the debt in over four years and the statute of limitations has expired on its lien.

19. Plaintiff seeks a Declaratory Judgment that establishes Plaintiff's claim to free and clear title of the Property deeming Defendant's lien void ab initio.

**THIRD CAUSE OF ACTION:  
SUIT TO QUIET TITLE**

20. To the extent not inconsistent herewith, Plaintiff incorporates by reference the allegations made in paragraphs 1 through 19 as if set forth fully herein.

21. Plaintiff brings a claim for suit to quiet title. A suit to quiet title is necessary because:

- A. Plaintiff has an interest in specific real property;
- B. Plaintiff's claim to title to the specific real property is affected by Defendant's Deed of Trust lien clouding title;
- C. Defendant has represented that it has no legal interest on the Property yet refuses to release its lien; and
- D. Defendant's lien has expired by virtue of the statute of limitations yet has refused to release its lien.

22. Plaintiff seeks a Declaratory Judgment that establishes Plaintiff's claim to free and clear title of the Property deeming Defendant's lien void ab initio.

**FOURTH CAUSE OF ACTION:  
TRESPASS TO TRY TITLE**

23. To the extent not inconsistent herewith, Plaintiff incorporates by reference the allegations made in paragraphs 1 through 22 as if set forth fully herein.

24. Pleading in the alternative to the fraudulent or invalid lien and quiet title claims above, Plaintiff brings a claim for trespass to try title. A trespass to try title claim is a statutory and governed by Texas Property Code § 22.002. A suit for trespass to try title is necessary in this instance because:

- A. Plaintiff has prior possession and superior title in the Property following a regular chain of conveyances;
- B. Plaintiff's claim to title is clouded by Defendant's statutorily expired lien on the apparent property;
- C. Defendant has represented that it has no legal interest on the Property; and
- D. As Defendant refuses to file a release of lien, the court must order the lien released or deemed void ab initio to resolve the dispute.

**CONDITIONS PRECEDENT**

25. All conditions precedent to the Plaintiff's right to bring these causes of action have been performed, have occurred, or have been waived.

**PRAYER**


WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that:

- A. Defendant be cited to appear and answer herein;
- B. Upon final hearing or trial hereof, the Court order a declaratory or final judgment reflecting that (1) Ragnar Development, LLC is the lawful and sole owner of the Property, (2) Ragnar Development, LLC is the sole holder of title to the Property, and (3) the United States Department of Veterans Affairs lien on the property be deemed invalid and void ab initio, as well as any such other and further relief, both general and special, at law or in equity, to which Plaintiff may be entitled.

UNOFFICIAL COPY

Respectfully submitted,

VILT LAW, P.C.

By: 

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ATTORNEYS FOR PLAINTIFF

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