

CAUSE NO. 202366317

**MOISE O. ARRAH AND
SHERYLL T. ARRAH
Plaintiff,**

vs.

**PRESTIGE DEFAULT SERVICES, LLC,
AND WILMINGTON SAVINGS FUND
SOCIETY, AND SHELLPOINT MORTGAGE
SERVICING, AND
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC., AMCAP
MORTGAGE, AND GOLD FINANCIAL
SERVICES, AND VERUS
SECURITIZATION TRUST 2021-R3,
AND AUCTION.COM, AND ROY CRUSH,
AND JEFF LEVA, AND SANDY DASIGENIS,
AND STEVE LEVA, AND PATRICIA
POSTON, AND MEGAN L. RANDLE, AND
EBBIE MURPHY, AND JACK PALMER,
AND SABRINA PALMER, AND RICK SNOKE
AND WAYNE DAUGHTREY
Defendants.**

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

DEFENDANT’S ANSWER TO PLAINTIFF’S PETITION

Defendants Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Owner Trustee for Verus Securitization Trust 2021-R3 (“Wilmington”) and Shellpoint Mortgage Servicing (“Shellpoint”) (collectively “Defendants”) file this answer to Plaintiff’s Petition (“Petition”).

1. In response to paragraph 1, Defendants state the allegations contain argument or legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations.

2. Defendants admit the allegations in paragraph 2 of this Petition.

3. In response to paragraph 3, Defendants cannot admit or deny the allegations in the first two sentences for lack of knowledge. Defendants admit that a foreclosure sale was scheduled for August 1, 2023. The remaining allegations contain argument or legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations.

4. Defendants specially except to paragraph 4 through 6 on the ground that the Petition alleges Defendants fraudulently serviced the loan with “Dual Tracking” without alleging that a completed loan modification application was returned to Defendants. 12 C.F.R. 1024.41.

5. Defendant cannot admit or deny the allegations in paragraph 7-9 of this Petition for lack of knowledge and denies the same.

AFFIRMATIVE DEFENSES

Without assuming the burden of proof, Defendants assert the following defenses:

6. Plaintiff has failed to state a claim upon which relief may be granted.

7. Plaintiff’s recovery is barred by the defense of unclean hands, waiver, abandonment, and acquiescence.

8. Plaintiff’s claims are barred by the applicable contracts and agreements between the parties.

9. Plaintiff’s claims are barred by the doctrine of estoppel in all its forms.

10. Defendant reserves the right to amend its answer and assert such additional affirmative defenses that are available under the facts and applicable law.

PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully pray judgement be rendered that Plaintiff take nothing by her suit. Defendants seek such other and further relief that this Court deems just and proper.

Respectfully submitted,

GHIDOTTI | BERGER LLP

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document was served in accordance with the Texas Rules of Civil Procedure on March __, 2024

/s/ Anthony Schroeder
Anthony Schroeder

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