

CAUSE NO. 2023-12540

VINDUSTRIALIST, LLC,  
*Plaintiff*

VS.

TRUIST BANK FORMERLY KNOWN AS  
BRANCH BANKING AND TRUST COMPANY,  
INVUM THREE, LLC, AND  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
*Defendants.*

IN THE DISTRICT COURT

127TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**DEFENDANT INVUM THREE, LLC'S INITIAL DISCLOSURES**

TO: Vindustrialist, LLC, Plaintiff, by and through its attorney of record, Jeffrey C. Jackson, Jeffrey Jackson & Associates, PLLC, 2500 E. TC Jester Blvd., Ste. 285, Houston, TX 77008-1449.

COMES NOW, Defendant, Invum Three, LLC ("Defendant"), and pursuant to Texas Rules of Civil Procedure, serves its Initial Disclosures. To the extent applicable, Defendant reserves the right to supplement its responses.

Respectfully submitted,

BARRY & SEWART, PLLC

/s/ David W. Barry

Anna C. Sewart, TBN 24029832

David W. Barry, TBN 01835200

Austin R. DuBois, TBN 24065170

John V. Burger, TBN: 03378650

4151 Southwest Freeway, Suite 680

Houston, Texas 77027

Telephone: (713) 722-0281

Telecopier: (713) 722-9786

Email: [dwbarry@barryandsewart.com](mailto:dwbarry@barryandsewart.com)

ATTORNEYS FOR DEFENDANT,

INVUM THREE, LLC

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Defendant Invum Three, LLC's Initial Disclosures was served upon all parties or their attorneys pursuant to the Texas Rules of Civil Procedure on this the 1st day of May, 2023.

Via E-Service/Email

Jeffrey C. Jackson  
Jeffrey Jackson & Associates, PLLC  
2500 E. TC Jester Blvd., Ste. 285  
Houston, TX 77008-1449

Mark D. Cronenwett  
Nicholas M. Frame  
Mackie Wolf Zientz & Mann, P.C.  
14160 North Dallas Pkwy., Ste. 900  
Dallas, TX 75254

/s/ David W. Barry  
David W. Barry

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## **RULE 194.2 DISCLOSURES**

**Request for Disclosure 194.2(b)(1):** The correct names of the parties to the lawsuit.

**Response:** To Defendant's knowledge, the names of the parties are correct in the pleadings on file in this case.

**Request for Disclosure 194.2(b)(2):** The name, address, and telephone number of any potential parties.

**Response:** To Defendant's knowledge, none at this time.

**Request for Disclosure 194.2(b)(3):** The legal theories and, in general, the factual basis of the responding party's claims or defenses.

**Response:** At this time, Defendant has made an appearance in this lawsuit and has filed a general denial denying all of Plaintiff's allegations. Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff's own acts caused or contributed to its alleged injury. Plaintiff's allegations concerning alleged wrongful foreclosure are denied and, in any case, should be brought against Truist Bank f/k/a Branch Banking and Trust Company and/or Mortgage Electronic Registration Systems, Inc., or their successors-in-interest and/or assigns. Defendant was the highest bidder at the foreclosure auction. Defendant is the owner of the property at issue and is entitled to possession of the property. Defendant is entitled to the mesne profits for Plaintiff's continued use and enjoyment of the property in violation of Defendant's rights to the property.

**Request for Disclosure 194.2(b)(4):** The amount and any method of calculating economic damages.

**Response:** Defendant has not calculated its economic damages at this point, but believes that its damages include, but are not limited to, rent in an amount to be determined at trial, all reasonable attorneys' fees, the purchase price paid by Defendant and all consequential damages, fees, and expenses incurred by Defendant as a result of Defendant's purchase of the property, and incurred in connection with this action.

**Request for Disclosure 194.2(b)(5):** The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**Response:**

Vindustrialist, LLC  
c/o Jeffrey C. Jackson  
Jeffrey Jackson & Associates, PLLC  
2500 E. TC Jester Blvd., Ste. 285

Houston, TX 77008-1449  
Telephone: (713) 861-8833  
Plaintiff

Employees, Agents, Custodian of Records, and/or Corporate Representative of Vindustrialist, LLC  
c/o Jeffrey C. Jackson  
Jeffrey Jackson & Associates, PLLC  
2500 E. TC Jester Blvd., Ste. 285  
Houston, TX 77008-1449  
Telephone: (713) 861-8833  
May have knowledge of relevant facts giving rise to the claims and defenses asserted in this suit.

Invum Three, LLC  
c/o Barry & Sewart, PLLC  
4151 Southwest Freeway, Suite 680  
Houston, Texas 77027  
Telephone: (713) 722-0281  
Telecopier: (713) 722-9786  
dwbarry@barryandsewart.com  
Defendant

Truist Bank formerly known as Branch Banking and Trust Company  
c/o Mark D. Cronenwett  
Nicholas M. Frame  
Mackie Wolf Zientz & Mann, P.C.  
14160 North Dallas Pkwy., Ste. 900  
Dallas, TX 75254  
Telephone: (214) 635-2650  
Defendant

Mortgage Electronic Registration Systems, Inc.  
c/o Mark D. Cronenwett  
Nicholas M. Frame  
Mackie Wolf Zientz & Mann, P.C.  
14160 North Dallas Pkwy., Ste. 900  
Dallas, TX 75254  
Telephone: (214) 635-2650  
Defendant

Defendant also identifies as persons having knowledge of relevant facts and reserves the right to call as witnesses at trial any individuals or entities identified by any party to this suit in their answers to interrogatories and/or responses to Rule 194 disclosures.

**Request for Disclosure 194.2(b)(6):** A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in

its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment.

**Response:** All deeds, deeds of trust, documents, declarations, covenants, conditions, restrictions, bylaws, rules, policies, and other documents which are public records recorded in the county that pertain to the property at issue in this lawsuit. All letters, notices, and communications related to the property at issue which are in possession of the Plaintiff and/or any Defendant, and all documents which are identified and/or produced by any party to this case. Defendant reserves the right to object to the authenticity, relevancy, and/or admissibility of any document at the trial of this suit or in any other proceeding.

**Request for Disclosure 194.2(b)(7):** Any indemnity and insuring agreements described in Rule 192.3(f).

**Response:** None.

**Request for Disclosure 194.2(b)(8):** Any settlement agreements described in Rule 192.3(g).

**Response:** Defendant is unaware of any settlement agreements.

**Request for Disclosure 194.2(b)(9):** Any witness statements described in rule 192.3(h).

**Response:** Defendant is unaware of any witness statements.

**Request for Disclosure 194.2(b)(10):** In a suit alleging physical and mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

**Response:** N/A

**Request for Disclosure 194.2(b)(11):** In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

**Response:** N/A

**Request for Disclosure 194.2(b)(12):** The name, address and telephone number of any person who may be designated as a responsible third party.

**Response:** To Defendant's knowledge, none at this time.

**RULE 195.5 DISCLOSURES**

**Request for Disclosure 195.5:** A party must provide the following for any testifying expert:

(1) the expert's name, address, and telephone number;

David W. Barry and/or Austin R. DuBois  
Barry & Sewart, PLLC  
4151 Southwest Freeway, Suite 680  
Houston, TX 77027  
Telephone: (713) 722-0281  
Telecopier: (713) 722-9876  
Email: dwbarry@barryandsewart.com  
Email: austin@barryandsewart.com

- (2) the subject matter on which the expert will testify;

Messrs. Barry and DuBois are expected to testify about reasonableness and necessity of legal fees incurred in this case.

(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

Messrs. Barry and DuBois are expected to testify about their hourly rates charged; services rendered in connection with this case; how their hourly rates compare with rates of other lawyers with similar experience in real estate matters; whether their rates are customary for the services rendered, and whether the rates and services rendered were reasonable and necessary.

(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

(a) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;

Defendant's counsel's billing records reflecting services rendered in this case will be provided pursuant to the Texas Rules of Civil Procedure.

(b) the expert's current resume and bibliography;

Defendant's counsel's resumes will be provided.

(c) the expert's qualifications, including a list of all publications authored in the previous 10 years;

Any relevant publications will be provided.

(d) except when the expert is the responding party's attorney and is testifying to attorney fees, a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; and

Any disclosure herein will be supplemented under the Texas Rules of Civil Procedure.

(e) a statement of the compensation to be paid for the expert's study and testimony in the case.

Response: None at this time.

Unofficial Copy Office of Marilyn Burgess District Clerk

### Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

e File on behalf of David Barry

Bar No. 01835200

efile@barryandsewart.com

Envelope ID: 75195510

Filing Code Description: No Fee Documents

Filing Description: INUM THREE INITIAL DISCLOSURES

Status as of 5/2/2023 7:06 AM CST

#### Case Contacts

| Name            | BarNumber | Email                        | TimestampSubmitted  | Status |
|-----------------|-----------|------------------------------|---------------------|--------|
| JEFFREY JACKSON |           | JEFF@JJACKSONLLP.COM         | 5/1/2023 4:16:21 PM | SENT   |
| DAVID BARRY     |           | DWBARRY@BARRYANDSEWART.COM   | 5/1/2023 4:16:21 PM | SENT   |
| Susan Taplin    |           | staplin@mwzmlaw.com          | 5/1/2023 4:16:21 PM | SENT   |
| Nicholas Frame  |           | Nframe@mwzmlaw.com           | 5/1/2023 4:16:21 PM | SENT   |
| Vanee Alfred    |           | Valfred@mwzmlaw.com          | 5/1/2023 4:16:21 PM | SENT   |
| Tamara James    |           | tjames@mwzmlaw.com           | 5/1/2023 4:16:21 PM | SENT   |
| David Barry     |           | dwbarry@barryandsewart.com   | 5/1/2023 4:16:21 PM | SENT   |
| John VBurger    |           | evictions@barryandsewart.com | 5/1/2023 4:16:21 PM | SENT   |
| John VBurger    |           | evictions@barryandsewart.com | 5/1/2023 4:16:21 PM | SENT   |



**CAUSE NO. 202312540**

**VINDUSTRIALIST LLC,**

**Plaintiff,**

**v.**

**TRUSIT BANK FORMERLY KNOWN AS  
BRANCH BANKING AND TRUST  
COMPANY; INVUM THREE LLC; AND  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,**

**Defendants.**

**IN THE DISTRICT COURT**

**127<sup>TH</sup> JUDICIAL DISTRICT**

**AVT TITLE SERVICES, LLC, AS  
SUBSTITUTE TRUSTEE,**

**Intervenor-Interpleader  
Plaintiff,**

**v.**

**VINDUSTRIALIST LLC, SUMMER  
RIEHLE, JAMES RIEHLE AND  
FORETHOUGHT LIFE INSURANCE  
COMPANY, MAIN ST K, LLC**

**Intervenor  
Defendants.**

**HARRIS COUNTY, TEXAS**

**INTERVENOR PLAINTIFF'S  
ORIGINAL PETITION IN INTERPLEADER**

COMES NOW, Intervenor-Plaintiff AVT Title Services, LLC, as Substitute Trustee, ("AVT" or "Intervenor- Plaintiff"), pursuant to Texas Rules of Civil Procedure 43, and files this its *Original Petition in Interpleader* ("Petition in Interpleader"), in the above-referenced cause in order to deposit funds into the registry of the Court, and respectfully shows as follows:

## I. DISCOVERY LEVEL

1. AVT pleads that discovery should be conducted in accordance with Discovery Level 2. *See* Tex. R. Civ. P. 190.3.

## II. RELIEF SOUGHT

2. AVT seeks monetary relief of \$250,000.00 or less and non-monetary relief. The damages sought are within the jurisdictional limits of the court.

## III. PARTIES

3. AVT is the Intervenor Plaintiff and stakeholder.

4. Vindustrialist LLC is an Interpleader-Defendant with an alleged interest in the Property described below. Vindustrialist LLC has previously appeared in this action and may be served by its attorney of record, Jeffrey Jackson, pursuant to the Texas Rules of Civil Procedure.

5. Defendant Summer Riehle is an Interpleader-Defendant and former owner of the Property described below. She may be served with process at 2679 Gessner Road, Apt. 302, Houston, Texas 77080 or such other place where she may be found. Citation is requested.

6. Defendant James Riehle is an Interpleader-Defendant and former owner of the Property described below. He may be served with process at 2679 Gessner Road, Apt. 302, Houston, Texas 77080, or such other place where he may be found. Citation is requested.

7. Forethought Life Insurance Company is an Interpleader-Defendant and junior lienholder. Forethought Life Insurance Company may be served with process through its registered agent, CT Corporate System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-4284. Citation is requested.

8. Main St K LLC is an Interpleader-Defendant and junior lienholder. Main St K LLC may be served with process through its registered agent, Thaison Hua, at 2016 Main, Ste 101, Houston, Texas 77002. Citation is requested.

#### IV. JURISDICTION AND VENUE

9. This suit concerns the proper payment of the proceeds of \$55,314.49 from a foreclosure sale that occurred in Harris County, Texas. Therefore, jurisdiction and venue are proper in this County and Court.

#### V. FACTUAL BACKGROUND

10. On February 7, 2023, AVT, in its capacity as Substitute Trustee under a deed of trust, conducted a foreclosure sale (the "Foreclosure Sale") on that certain property commonly known as 9243 Friendship Road, Houston, Texas 77080 (the "Property") and more particularly described as follows:

LOT 9 BLOCK 12 REPLAT AND EXTENSION OF HOLLEY TERRACE SECTION THREE (3) ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 128 PAGE 48 OF THE MAP RECORDS OF HARRIS COUNTY TEXAS..

(The "Property"). **Exhibit A** is a true and correct copy of the Substitute Trustee's Deed, recorded in the Official Public Records of Harris County, Texas as Instrument No. RP-2023-53267.

11. The purchaser of the Property at the foreclosure sale was Invum Three, LLC. The price paid at the Foreclosure Sale by Invum Three, LLC for the Property exceeded the total amount due to the lender, Truist Bank formerly known as Branch Banking and Trust Company by \$55,314.49 ("Excess Proceeds").

12. AVT may be subject to potential liability from the Interpleader-Defendants with respect to the disbursement of the Excess Proceeds. AVT has reasonable doubt of fact as to which of the Interpleader-Defendants may be entitled to the Excess Proceeds. AVT does not claim an

interest in the Excess Proceeds and seeks to avoid the competing claims of the Interpleader-Defendants herein.

13. AVT is ready, willing and able to pay the Excess Proceeds to the entitled Interpleader-Defendants. AVT, however, is unable to determine at the present time which party is entitled to the Excess Proceeds and, if more than one, in what amount. Consequently, AVT is in the position of an innocent holder of the Excess Proceeds faced with the possibility of multiple liability and incidental costs. Until this Court makes a finding establishing the appropriate recipient of the funds, AVT is at the risk of incurring multiple liability for payment of the Excess Proceeds.

#### **VI. DISCLAIMER OF INTEREST**

14. AVT neither has, nor claims, any interest in the Excess Proceeds in the amount of \$55,314.49. Further, AVT has not been, and will not be, indemnified in any manner by any party to this proceeding. AVT has filed this Interpleader Complaint of its own free will to avoid multiple liability and unnecessary suits and costs incidental to those suits.

#### **VII. DEPOSIT OF FUNDS WITH COURT REGISTRY**

15. AVT will unconditionally tender the Excess Proceeds with the Clerk of this Court upon execution of the Order to Deposit Funds into the Court's Registry.

#### **VIII. ATTORNEYS' FEES**

16. AVT is entitled to an award of its reasonable attorneys' fees and expenses incurred in filing this Petition in Interpleader. After Interpleader-Defendants have been served with process, AVT will subsequently file a motion seeking its dismissal as an Intervenor/Interpleader-Plaintiff in this action and will request its attorneys' fees and expenses at that time.

## IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, AVT requests that Interpleader-Defendants be cited to appear and answer to assert their rival claims to the Excess Proceeds, and that the Court order:

- 1) that, upon completion of the deposit of the funds with the Court and service of process on all Interpleader-Defendants, AVT be released and discharged from all liability to the Interpleader-Defendants for the handling of the Excess Proceeds;
- 2) that, AVT be awarded its reasonable expenses and attorneys' fees incurred in interpleading the Excess Proceeds, with such expenses and attorneys' fees to be paid out of the interplead funds; and
- 3) that AVT receive any other relief to which she may be justly entitled.

Respectfully submitted,

By: s/ Nicholas M. Frame  
**MARK D. CRONENWETT**  
Attorney in Charge  
Texas Bar No. 00787303  
mcronenwett@mwzmlaw.com

**NICHOLAS M. FRAME**  
Texas Bar No. 24093448  
nframe@mwzmlaw.com

**MACKIE, WOLF, ZIENTZ & MANN, PC**  
14160 N. Dallas Parkway, Suite 900  
Dallas, Texas 75254  
(214) 635-2650  
(214) 635-2686 (Fax)

*Attorneys for Intervenor/Interpleader-Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned further certifies that on November 16, 2023, a true and correct copy of the foregoing document was delivered via electronic delivery to the following counsel of record in the manner indicated.

Jeffrey C. Jackson  
jeff@jjacksonllp.com  
Jeffrey Jackson & Associates, LLP  
2200 North Loop West, Suite 108  
Houston, Texas 77018  
713-861-8833  
*Attorney for Vindustriallist LLC*

David W. Barry  
Barry & Sewart, PLLC  
4151 Southwest Freeway, Suite 680  
Houston, Texas 77027  
*Attorneys for Invum Three LLC*

/s/ Nicholas M. Frame  
**NICHOLAS M. FRAME**

Unofficial Copy Office of Martin Burgess District Clerk

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Janay Breckenridge on behalf of Nicholas Frame  
Bar No. 24093448  
jbreckenridge@mwzmlaw.com  
Envelope ID: 81732035  
Filing Code Description: Counter Claim/Cross  
Action/Interpleader/Intervention/Third Party  
Filing Description: Original Interpleader Petition  
Status as of 11/16/2023 4:40 PM CST

#### Case Contacts

| Name               | BarNumber | Email                         | TimestampSubmitted    | Status |
|--------------------|-----------|-------------------------------|-----------------------|--------|
| JEFFREY JACKSON    |           | JEFF@JJACKSONLLP.COM          | 11/16/2023 4:04:25 PM | SENT   |
| David Barry        |           | dwbarry@barryandsewart.com    | 11/16/2023 4:04:25 PM | SENT   |
| DAVID BARRY        |           | DWBARRY@BARRYANDSEWART.COM    | 11/16/2023 4:04:25 PM | SENT   |
| John VBurger       |           | evictions@barryandsewart.com  | 11/16/2023 4:04:25 PM | SENT   |
| John VBurger       |           | evictions@barryandsewart.com  | 11/16/2023 4:04:25 PM | SENT   |
| Nicholas Frame     |           | Nframe@mwzmlaw.com            | 11/16/2023 4:04:25 PM | SENT   |
| Mark Cronenwett    |           | mcronenwett@mwzmlaw.com       | 11/16/2023 4:04:25 PM | SENT   |
| Litigation Filings |           | litigationfilings@mwzmlaw.com | 11/16/2023 4:04:25 PM | SENT   |
| Erin Jackson       |           | ejackson@mwzmlaw.com          | 11/16/2023 4:04:25 PM | SENT   |
| Alma Cruz          |           | acruz@mwzmlaw.com             | 11/16/2023 4:04:25 PM | SENT   |

# **EXHIBIT A**

Unofficial Copy Office of Marilyn Burgess District Clerk



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**FORECLOSURE SALE DEED**

(With attached Affidavit and Notice of Foreclosure Sale for recording as one document)

**Deed of Trust Date:** July 25, 2008

**Grantor(s):** SUMMER RIEHLE AND JAMES C RIEHLE

**Original Mortgagee:** MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR ALETHES, LLC, ITS SUCCESSORS AND ASSIGNS

**Current Mortgagee:** Truist Bank formerly known as Branch Banking and Trust Company

**Recording Information:** Recorded 07/29/2008 in Document 20080394166 of the real property records of Harris County, Texas.

**Property Legal Description:** SEE EXHIBIT A

**Date of Sale:** 02/07/2023 **Time of Sale:** 12:35 pm

**Place of Sale:** 11,681 Square Feet area of covered concrete, being a 13,979 Square Feet area of covered concrete under the Bayou City Event Center Pavilion, save and except a 2,298 Square Feet Concession and Restroom area under said Pavilion, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

**Buyer:** INVUM THREE LLC  
**Buyer's Mailing Address:** 10690 SHADOW WOOD DR, STE 101  
HOUSTON, TX 77043

**Amount of Sale:** \$203,000.00

By Deed of Trust, Grantor conveyed to DON HARRIS, as Trustee, certain property for the purpose of securing and enforcing payment of the indebtedness and obligations therein described, including but not limited to the Note and all renewals and extensions of the note. AVT TITLE SERVICES, LLC was appointed Substitute Trustees per the terms of the Deed of Trust and Texas Property Code Sections 51.0075 and 51.0076 and was requested to enforce the trust Truist Bank formerly known as Branch Banking and Trust Company, the current mortgagee of the Deed of Trust, who requested AVT TITLE SERVICES, LLC, as Substitute Trustee, to enforce the trust of the Deed of Trust.

Pursuant to the requirements of the Deed of Trust and the laws of the state of Texas, written notice of the time, place, date, and terms of the public foreclosure sale of the Property was posted at the courthouse of Harris County, Texas, the county in which the Property is situated, and a copy of the notice was also filed with the county clerk of Harris County, Texas, each notice having been posted and filed for at least twenty-one days preceding the date of the foreclosure sale. Written notice of the time, date, place, and terms of the foreclosure sale was served on behalf of the current Mortgagee by certified mail on each debtor who, according to the records of the current Mortgagee, is obligated to pay any of the indebtedness and obligations. The certified-mail notices were timely sent by depositing the notices in the United States mail, postage prepaid in proper amount, and addressed to each debtor at the debtor's last known address as shown by the records of the current Mortgagee at least twenty-one days preceding the date of the foreclosure. Written notice of default and of the opportunity to cure the default to avoid acceleration of the

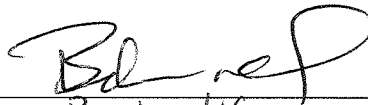
RP-2023-53267

Marilyn Burch District Clerk

maturity of the note was served on behalf of the current Mortgagee by certified mail on each debtor who, according to the records of the current Mortgagee, is obligated to pay any of the indebtedness and obligations. The certified-mail notices were timely sent by depositing the notices in the United States mail, postage prepaid in proper amount, and addressed to each debtor at the debtor's last known address as shown by the records of the current Mortgagee at least thirty days preceding the date of the acceleration of the maturity of the note and the posting of the mortgaged Property for foreclosure.

In consideration of the premises and of the bid and payment of the amount of \$203,000.00, the highest bid by Buyer, I, as Substitute Trustee, by virtue of the authority conferred on me in the Deed of Trust, have GRANTED, SOLD, and CONVEYED all of the Property to Buyer and Buyer's heirs and assigns, to have and to hold the Property, together with the rights, privileges, and appurtenances thereto belonging unto Buyer and Buyer's heirs and assigns forever. I, as the Substitute Trustee, do hereby bind Grantor and Grantor's heirs and assigns to WARRANT and FOREVER DEFEND the Property to Buyer and Buyer's heirs and assigns forever, against the claim or claims of all persons claiming the same or any part thereof.

Executed on 14<sup>th</sup> day of February, 2023.

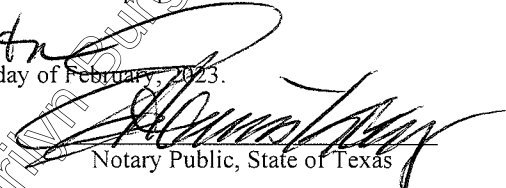


Name: Brandon Wolf  
Authorized agent for AVT TITLE SERVICES, LLC

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS    §

BEFORE ME, the undersigned authority, on this 14<sup>th</sup> day personally appeared Brandon Wolf, as authorized agent for the Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

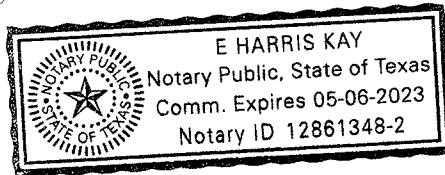
Given under my hand and seal of office this 14<sup>th</sup> day of February, 2023.



Notary Public, State of Texas

xxxxx8906/18-000029-770-2  
FHA

AFTER RECORDATION RETURN TO:  
Mackie Wolf Zientz & Mann, P.C.  
Parkway Office Center, Suite 900  
14160 Dallas Parkway  
Dallas, Texas 75254



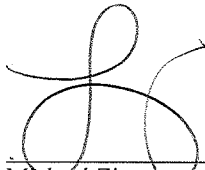
Unofficial Copy Office of Marianne Williams, District Clerk

RP-2023-53267

AFFIDAVIT

BEFORE ME, the undersigned on this day personally appeared ~~Michael Zientz, L. Keller Mackie, Brandon Wolf, Lori Liane Long, Chelsea Schneider, Ester Gonzales, or Karla Balli~~ and after being duly sworn, deposed and states under oath, as follows:

1. I am over the age of eighteen (18), have not been convicted of a crime of moral turpitude and have personal knowledge of the facts contained in this affidavit.
2. All notices required pursuant to the terms of the Deed of Trust and Texas Property Code Section 51.002(b) and (d) were provided to the debtors.
3. In accordance with Texas Property Code Section 51.002, the Notice of Sale was posted at least twenty-one (21) days prior to the date of sale at the proper location designated by the County Commissioner's Court. Additionally, a copy of the Notice of Sale was filed at least twenty-one (21) days prior to the date of sale in the office of the County Clerk of the county in which the sale occurred.
4. At this time of the Foreclosure Sale and twelve (12) months prior to the sale, the debtors were not in the armed services of the United States of America.
5. At the time of the Foreclosure Sale the debtors were alive, were not protected by any stay under the United States Bankruptcy Code and were not involved in any divorce proceedings where a receiver had been appointed.



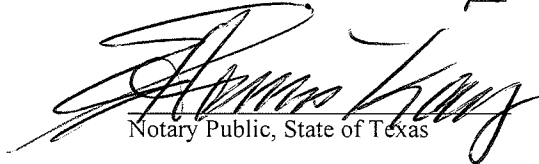
~~Michael Zientz~~  
~~L. Keller Mackie~~  
~~Brandon Wolf~~  
Lori Liane Long ✓  
~~Chelsea Schneider~~  
~~Ester Gonzales~~  
Karla Balli

STATE OF TEXAS

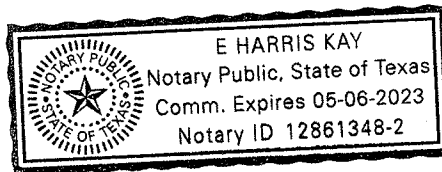
§  
§  
§

COUNTY OF DALLAS

SUBSCRIBED AND SWORN TO before me by ~~Michael Zientz, L. Keller Mackie, Brandon Wolf, Lori Liane Long, Chelsea Schneider, Ester Gonzales, or Karla Balli~~ on this 15<sup>th</sup> day of February, 2023.

  
Notary Public, State of Texas

MWZ#: 18-000029-770-2  
Property Address: 9243 FRIENDSHIP ROAD, HOUSTON, TX 77080



RP-2023-53267

Unofficial Copy Office of Marilyn Burgess District Clerk

EXHIBIT A

LOT 9 BLOCK 12 REPLAT AND EXTENSION OF HOLLEY TERRACE  
SECTION THREE (3) ACCORDING TO MAP OR PLAT THEREOF  
RECORDED IN VOLUME 128 PAGE 48 OF THE MAP RECORDS OF  
HARRIS COUNTY TEXAS.

Unofficial Copy Office of Marilyn Burgess District Clerk

RP-2023-53267

**NOTICE OF FORECLOSURE SALE**

**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OR ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

**1. Property to Be Sold.** The property to be sold is described as follows: LOT 9 BLOCK 12 REPLAT AND EXTENSION OF HOLLEY TERRACE SECTION THREE (3) ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 128 PAGE 48 OF THE MAP RECORDS OF HARRIS COUNTY TEXAS.

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 07/25/2008 and recorded in Document 20080394166 real property records of Harris County, Texas.

**3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:


Date: 02/07/2023  
Time: 12:00 PM  
Place: Harris County, Texas at the following location: 11,681 Square Feet area of covered concrete, being a 13,979 Square Feet area of covered concrete under the Bayou City Event Center Pavilion, save and except a 2,298 Square Feet Concession and Restroom area under said Pavilion, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court or as designated by the County Commissioners Court.

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust.

**5. Obligations Secured.** The Deed of Trust executed by SUMMER RIEHLE AND JAMES C RIEHLE, provides that it secures the payment of the indebtedness in the original principal amount of \$142,759.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Truist Bank formerly known as Branch Banking and Trust Company is the current mortgagee of the note and deed of trust and TRUIST BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is Truist Bank formerly known as Branch Banking and Trust Company c/o TRUIST BANK, 1001 Seemes Ave, Richmond, VA 23224 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

  
Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
L. Keller Mackie, Attorney at Law  
Michael Zientz, Attorney at Law  
Lori Llane Long, Attorney at Law  
Chelsea Schneider, Attorney at Law  
Ester Gonzales, Attorney at Law  
Karla Balli, Attorney at Law  
Parkway Office Center, Suite 900  
14160 Dallas Parkway  
Dallas, TX 75254

Unofficial Copy Office of Marilyn Engle, County Clerk

RP-2023-53267  
TENESHIA HUDSPETH, COUNTY CLERK, HARRIS COUNTY, TEXAS  
FILED 1/5/2023 11:38:53 AM  
FRCL-2023-74

RP-2023-53267

TENESHIA HUDSPETH, COUNTY CLERK, HARRIS COUNTY, TEXAS

FRCL-2023-74

FILED 1/5/2023 11:38:53 AM

Certificate of Posting

I am SANDY DASIGENIS whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230,  
Houston, TX 77056. I declare under penalty of perjury that on 1/5/23 I filed this Notice of Foreclosure Sale at the office  
of the Harris County Clerk and caused it to be posted at the location directed by the Harris County Commissioners Court.

Unofficial Copy Office of Marilyn Burgess District Clerk

RP-2023-53267

RP-2023-53267  
# Pages 7  
02/16/2023 08:41 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$38.00

Unofficial Copy Office of Marilyn Burgess District Clerk

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

CAUSE NO. 2023-12540

VINDUSTRIALIST, LLC ) IN THE DISTRICT COURT  
*Plaintiff,* )

v. )

TRUIST BANK FORMERLY KNOWN AS )  
BRANCH BANKING AND TRUST )  
COMPANY; INVUM THREE LLC; AND )  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., )  
*Defendants,* ) 127<sup>TH</sup> JUDICIAL DISTRICT

AVT TITLE SERVICES, LLC, AS )  
SUBSTITUTE TRUSTEE, )  
*Intervenor-Interpleader Plaintiff,* )

v. )

VINDUSTRIALIST LLC, SUMMER )  
RIEHLE, JAMES RIEHLE AND )  
FORETHOUGHT LIFE INSURANCE )  
COMPANY, MAIN ST K, LLC ) OF HARRIS COUNTY, TEXAS  
*Intervenor Defendants.* )

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**VINDUSTRIALIST, LLC'S ORIGINAL ANSWER TO AVT TITLE SERVICES, LLC, AS  
SUBSTITUTE TRUSTEE'S PETITION IN INTERPLEADER**

COMES NOW, Vindustrialist LLC ("Vindustrialist" or "Intervenor-Defendant"), and files this Answer to the Intervenor-Plaintiff AVT Title Services, LLC, as Substitute Trustee's ("AVT" or "Intervenor-Plaintiff") Original Petition in Interpleader, and respectfully shows the Court as follows:



A. GENERAL DENIAL

1. Vindustrialist presents a General Denial pursuant to Texas Rule of Civil Procedure 92 and demands strict proof thereof.

B. AFFIRMATIVE DEFENSES

2. Vindustrialist asserts that the foreclosure sale as referenced in the Intervenor-Plaintiff's Original Petition in Interpleader was invalid and void. Vindustrialist maintains that it is the rightful owner of the subject property and that the foreclosure sale conducted by AVT should be set aside.

C. CLAIM FOR EXCESS PROCEEDS

3. Alternatively, and without waiving its contention that the foreclosure sale was invalid and void, Vindustrialist asserts a claim to the excess proceeds from the sale of the property. Vindustrialist contends that, should the Court find the foreclosure sale valid, Vindustrialist, as the current holder of record title to the property at the time of the foreclosure sale, is entitled to the entirety of the excess proceeds from said sale as against all other claimants.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Vindustrialist prays that the Court set aside the foreclosure sale as invalid and void, and for such other and further relief, both at law and in equity, to which Vindustrialist may show itself to be justly entitled.

Alternatively, should the Court find the foreclosure sale valid, Vindustrialist prays for judgment awarding it the entire amount of the excess proceeds from the foreclosure sale and for such other and further relief, both at law and in equity, as the Court deems just and proper.

Respectfully submitted,

**Jeffrey Jackson & Associates, PLLC**

By. /s/ Jeffrey C. Jackson

Jeffrey C. Jackson  
SBOT # 24065485  
2500 E. TC Jester Blvd., Ste. 285  
Houston, TX 77008  
Tel. 713-861-8833  
Fax. 713-682-8866  
jeff@jjacksonpllc.com  
ATTORNEY FOR VIINDUSTRIALIST, LLC

**CERTIFICATE OF SERVICE**

The undersigned further certifies that on December 12, 2023, a true and correct copy of the foregoing document was delivered via Texas e-file delivery and/or email to the following counsel of record in the manner indicated.

**David W. Barry**

dwbarry@barryandsewart.com  
Barry & Sewart, PLLC  
4151 Southwest Freeway, Suite 680  
Houston, Texas 77027  
*Attorneys for Innum Three LLC*

**MARK D. CRONENWETT**

Attorney in Charge  
mcronenwett@mwzmlaw.com

**NICHOLAS M. FRAME**

nframe@mwzmlaw.com  
MACKIE, WOLF, ZIENTZ & MANN, PC  
14160 N. Dallas Parkway, Suite 900  
Dallas, Texas 75254  
(214) 635-2650  
(214) 635-2686 (Fax)

*Attorneys for Truist Bank formerly known as Branch Banking and Trust Company, Mortgage Electronic Registration Systems, Inc., and Intervenor/Interpleader-Plaintiff*

By. /s/ Jeffrey C. Jackson

Jeffrey C. Jackson

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Myra Nguyen on behalf of Jeffrey Jackson

Bar No. 24065485

myra@jjacksonpllc.com

Envelope ID: 82502478

Filing Code Description: Answer/ Response / Waiver

Filing Description: VIndustrialist, LLC's Original Answer to AVT Title

Services, LLC, as Substitute Trustee's Petition in Interpleader

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

#### Case Contacts

| Name               | BarNumber | Email                         | TimestampSubmitted    | Status |
|--------------------|-----------|-------------------------------|-----------------------|--------|
| Nicholas Frame     |           | Nframe@mwzmlaw.com            | 12/12/2023 4:00:18 PM | SENT   |
| David Barry        |           | dwbarry@barryandsewart.com    | 12/12/2023 4:00:18 PM | SENT   |
| John VBurger       |           | evictions@barryandsewart.com  | 12/12/2023 4:00:18 PM | SENT   |
| John VBurger       |           | evictions@barryandsewart.com  | 12/12/2023 4:00:18 PM | SENT   |
| DAVID BARRY        |           | DWBARRY@BARRYANDSEWART.COM    | 12/12/2023 4:00:18 PM | SENT   |
| Mark Cronenwett    |           | mcronenwett@mwzmlaw.com       | 12/12/2023 4:00:18 PM | SENT   |
| Erin Jackson       |           | ejackson@mwzmlaw.com          | 12/12/2023 4:00:18 PM | SENT   |
| Alma Cruz          |           | acruz@mwzmlaw.com             | 12/12/2023 4:00:18 PM | SENT   |
| Litigation Filings |           | litigationfilings@mwzmlaw.com | 12/12/2023 4:00:18 PM | SENT   |

CAUSE NO. 2023-12540

VINDUSTRIALIST LLC,  
*Plaintiff,*

IN THE DISTRICT COURT OF

v.  
TRUIST BANK FORMERLY KNOWN AS  
BRANCH BANKING AND TRUST  
COMPANY; INVUM THREE LLC; and  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
*Defendants.*

HARRIS COUNTY, TEXAS

AVT TITLE SERVICES, LLC, as  
SUBSTITUTE TRUSTEE,  
*Intervenor-Interpleader*  
*Plaintiff,*

127<sup>TH</sup> JUDICIAL DISTRICT

v.  
VINDUSTRIALIST LLC, SUMMER  
RIEHLE, JAMES RIEHLE, and  
FORETHOUGHT LIFE INSURANCE  
COMPANY, MAIN ST K, LLC  
*Intervenor-Defendants.*

**INTERVENOR-DEFENDANTS SUMMER RIEHLE AND JAMES RIEHLE ORIGINAL ANSWER TO  
INTERVENOR PLAINTIFF'S ORIGINAL PETITION IN INTERPLEADER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Intervenor Defendants Summer Riehle and James Riehle (collectively called the "Riehles") in the above-entitled and numbered cause, and files their Original Answer, pursuant to Texas Rules of Civil Procedure, and in support thereof would show this Court as follows:

**I.  
General Denial**

1. Pursuant to Texas Rules of Civil Procedure 92, the Riehles generally deny each and every allegation contained in *Intervenor Plaintiff's Original Petition in Interpleader*, and any amendments or supplements thereto, and demand strict proof thereof.

2. The Riehles agrees that Interpleader is not owed any of the \$55,314.49 funds (the “Funds”) and urges that the entirety of the funds are due to Summer Riehle and James Riehle, equally.

**II.**  
**AFFIRMATIVE DEFENSE**

3. As an affirmative defense to any other claim made in this suit, no other party is entitled to any of the Funds. The property in dispute in this case was fraudulently transferred by Main St K, LLC without the Riehles knowledge or consent. The fraudulent transfer was void ab initio, and all subsequent transfers are likewise void or voidable. Any proceeds that remain are the sole property of the Riehles.

**III.**  
**PRAYER**

WHEREFORE, Summer Riehle and James Riehle pray that they be awarded the Funds, along with any attorney’s fees and cost associated with the prosecution and/or defense of this suit.

Respectfully submitted,

*/s/ Summer Riehle*  
Summer Riehle, *pro se*  
12410 W. Little York Rd, Apt. 214  
Houston, Texas 77041  
[Sumer\\_sun@yahoo.com](mailto:Sumer_sun@yahoo.com)  
(713) 261-4016

*/s/ James Riehle*  
James Riehle, *pro se*  
12850 Green Dolphin  
Houston, Texas 77013  
[Jrcowboy110364@yahoo.com](mailto:Jrcowboy110364@yahoo.com)  
(281) 918-6325

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above pleading has been forwarded via electronic filing and/or facsimile in accordance with the Texas Rules of Civil Procedure, on January 8, 2024, to:

Jeffrey C. Jackson  
Jeffrey Jackson & Associates, LLP  
2200 North Loop West, Suite 108  
Houston, Texas 77018  
jeff@jjacksonllp.com  
*Attorney for Vindustrialist LLC*

David W. Barry  
Barry & Stewart, PLLC  
4151 Southwest Freeway, Suite 680  
Houston, Texas 77027  
*Attorney for Invum Three LLC*

Mark D. Cornenwett  
Nicholas M. Frame  
Mackie, Wolf, Zientz & Mann, PC  
14160 N. Dallas Parkway, Suite 900  
Dallas, Texas 75254  
[mcronewett@mwzmlaw.com](mailto:mcronewett@mwzmlaw.com)  
[nframe@mwzmlaw.com](mailto:nframe@mwzmlaw.com)  
*Attorneys for Intervenor/Interpleader-Plaintiff*

/s/ Summer Riehle  
Summer Riehle

/s/ James Riehle  
James Riehle

Unofficial Copy Office of Marilyn Burgess District Clerk

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 83158895

Filing Code Description: Answer/ Response / Waiver

Filing Description: Intervenor-Defendants Summer Riehle and James Riehle Original Answer to Intervenor Plaintiff's Original Petition in Interpleader

Status as of 1/8/2024 7:35 AM CST

#### Case Contacts

| Name               | BarNumber | Email                         | TimestampSubmitted  | Status |
|--------------------|-----------|-------------------------------|---------------------|--------|
| JEFFREY JACKSON    |           | JEFF@JJACKSONLLP.COM          | 1/8/2024 7:17:17 AM | SENT   |
| David Barry        |           | dwbarry@barryandsewart.com    | 1/8/2024 7:17:17 AM | SENT   |
| DAVID BARRY        |           | DWBARRY@BARRYANDSEWART.COM    | 1/8/2024 7:17:17 AM | SENT   |
| John VBurger       |           | evictions@barryandsewart.com  | 1/8/2024 7:17:17 AM | SENT   |
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| Litigation Filings |           | litigationfilings@mwzmlaw.com | 1/8/2024 7:17:17 AM | SENT   |
| Summer Riehle      |           | sumer_sun@yahoo.com           | 1/8/2024 7:17:17 AM | SENT   |
| James Riehle       |           | jrcowboy110364@gmail.com      | 1/8/2024 7:17:17 AM | SENT   |