

CAUSE NO. 14-23-00708-CV

CAPITAL FUND REIT, LLC

VS.

Torrin Williams

(Name of Defendant)

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FOURTEENTH COURT OF APPEALS  
14th COURT OF APPEALS  
HOUSTON, TEXAS

4/10/2024 6:48:06 PM

DEBORAH M. YOUNG  
HARRIS COUNTY, TEXAS  
Clerk of The Court

### NOTICE OF APPEAL

TO THE HONORABLE JUSTICES OF SAID COURT:

Today, this 5th Day of April 2024, the Defendant gives Notice of Appeal of judge’s ruling .

The Plaintiff CAPITAL FUND REIT, LLC currently stands accused wrongful foreclosure. U.S. Court (Civil Action 4:23-cv-03491) challenging title to subject property.

1.The Panel of Justices’ of this court’s decision to dismiss appellant’s appeal on the grounds that the subject of the appeal has become moot is in error. The Panel of Justices has failed to acknowledge the beginning fact that The Plaintiff misrepresented themselves as legitimate Texas company. Capital Fund neglected to register with Texas Secretary of State, and Texas Business Organizations Code (“BOC”) requires foreign entities to file an application for registration with the Texas secretary of state if the entity is “transacting business” In **Texas. An LLC, foreign or domestic, must register with Secretary of State in order for the entity to avail itself of rights and privileges including the right to sue.**TX Bus & Com Code § 71.101, 71.103. (a) **A person's failure to comply with this chapter does not impair the validity of any contract or act by the party or prevent the party from defending any action or proceeding in any Court of this state, but the party may not maintain in a court of this state an action or proceeding arising out of a contract or act § 71.20**

2.The Panel of Justices are in error in the matter of supersedeas. The plaintiff did not set a supersedeas as they were well aware that it is NOT applicable in this case. This only applies when a suit for owed or back Rents. This suit was for property possession only, which makes **supersedeas not applicable.**

3. The Panel of Justices has chosen to ignore the fact that the Plaintiff willingly chose to violate federal law when they moved forward on the sale of the property while Chapter 7 Bankruptcy was in place.

4.This Panel of Justices are in error when deciding that these matters have become moot. The above are vital issues to consider that this Panel of Justices have chosen to ignore, or at minimum failed to at least consider. It seems to just be easier to call something moot instead of upholding the law.

This Court Lack Jurisdiction and subject matter which does not allow for the court to make decisions regarding Possession when title is at issue. Therefore, defendant has moved for appeal to The Texas Supreme Court.

**Plea for Relief:** Defendant request appeal to The Texas Supreme Court. Defendant is in search of Justices that will uphold their oath and written Texas law, as all lower courts have decided to pick and choose which laws to follow at their own convenience at the cost of defendants well being.

Respectfully submitted,

*Torrin Williams*

Defendant Signature

Printed Name: Torrin Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of this Answer to the Plaintiff on the 5<sup>th</sup> day of April, 2024, pursuant to Texas Rule of Civil Procedure 501.4 by:

- Hand delivery
- Mail
- Fax
- Email (if both parties have agreed in writing and provided email addresses)
- Another method approved by the court: \_\_\_\_\_

*Torrin Williams*

Defendant's Signature

04/05/2024

Signature Date