

CASE 2024-28950

**KEVIN WATSON, INDIVIDUALLY AND AS
INDEPENDENT ADMINISTRATOR FOR
THE ESTATE OF DAVID BLACK**

plaintiff,

v.

**MATRIX FINANCIAL SERVICES
CORPORATION,**

defendant.

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IN THE DISTRICT COURT

152nd JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

MATRIX'S ORIGINAL ANSWER

Matrix Financial Services Corporation (**Matrix**) answers Kevin Watson, Individually and as Independent Administrator for The Estate of David Black's (**Mr. Watson**) petition as follows:

I. GENERAL DENIAL

1. Matrix generally denies each and every allegation and claim for relief asserted by Mr. Watson and demands strict proof thereof by a preponderance of credible evidence.

II. AFFIRMATIVE DEFENSES

2. Mr. Watson's claims fail, in whole or in part, because they fail to state a claim upon which relief may be granted.

3. Mr. Watson's claims fail, in whole or in part, because he has not performed all conditions precedent to recovery and performance of those conditions have not been waived or excused, including Mr. Watson's failure to tender the amount necessary to avoid foreclosure, his failure to properly apply for loss mitigation, and/or his failure to provide sufficient and/or timely or proper notice of his claims and/or demands.

4. Mr. Watson's claims fail, in whole or in part, because of waiver, estoppel, ratification, privilege and consent.

5. Mr. Watson's claims fail, in whole or in part, to the extent he lacks standing or capacity to bring them.

6. Mr. Watson's claims are barred, in whole or in part, because he has not tendered or attempted to tender the amount due and owing on the loan for the subject property.

7. Mr. Watson's claims are barred, in whole or in part, because he failed to mitigate his damages, if any.

8. Mr. Watson's claims fail, in whole or in part, because his own acts and omissions, or the acts and omissions of third parties beyond the scope and control of Matrix, caused or contributed to his alleged injuries. In the event the trier of fact determines Mr. Watson suffered any compensable damages, Matrix invokes Texas Civil Practice & Remedies Code chapter 33 and requests the trier of fact determine the proportion of responsibility for said damages by Mr. Watson, Matrix, any other party, and any designated responsible third-parties, and to grant judgment against Matrix, if at all, for only those damages for which they are found to be proportionately responsible.

9. Mr. Watson's claims are barred, in whole or in part, because the actions complained of, if in error at all, were the result of a bona fide error.

10. In the event the lien is found unenforceable, Matrix is entitled to a lien on the property through equitable and contractual subrogation for all amounts paid on behalf of the mortgagors, including but not limited to amounts paid to taxing authorities, amounts paid to insure the property against hazards and amounts paid to release other liens on the property.

III. PRAYER

Matrix respectfully requests a judgment that Mr. Watson take nothing on his claims and awarding Matrix all further relief to which it is entitled.

Date: May 29, 2024

Respectfully submitted,

/s/ Charles Townsend

C. Charles Townsend,
SBN: 24028053, FBN: 1018722
ctownsend@hinshawlaw.com
--Attorney in Charge
Alfredo Ramos,
SBN: 24110251, FBN: 3687680
framos@hinshawlaw.com
HINSHAW & CULBERTSON, LLP
1717 Main Street, Suite 3625
Dallas, Texas 75201
Telephone: 945-229-6390
Facsimile: 312-704-3001

ATTORNEYS FOR MATRIX

CERTIFICATE OF SERVICE

A true and correct copy of this document was served on May 29, 2024 as follows:

Jason A. LeBoeuf
LeBoeuf Law Firm, PLLC
675 Town Square Boulevard, Suite 200
Building 1A
Garland, Texas 75040
Telephone: 214-206-7423
Facsimile: 214-730-5944
Email: jason@labeouflawfirm.com

VIA TEXFILE

/s/ Charles Townsend

C. Charles Townsend

Automated Certificate of eService

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C. Charles Townsend on behalf of Christopher Townsend
Bar No. 24028053
ctownsend@hinshawlaw.com
Envelope ID: 88203626
Filing Code Description: Answer/ Response / Waiver
Filing Description: Matrix's Original Answer
Status as of 5/29/2024 10:43 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason Andrew Leboeuf	24032662	jason@leboeufllawfirm.com	5/29/2024 10:41:09 AM	SENT
Sierra Garcia		sgarcia@hinshawlaw.com	5/29/2024 10:41:09 AM	SENT
Jennifer Richardson		jrichardson@hinshawlaw.com	5/29/2024 10:41:09 AM	SENT
Charles Townsend		ctownsend@hinshawlaw.com	5/29/2024 10:41:09 AM	SENT
Fred Ramos		framos@hinshawlaw.com	5/29/2024 10:41:09 AM	SENT

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