

CAUSE NO. 202433028

EUNICE LEE OVERSTREET § **IN THE DISTRICT COURT**
§
V. § **OF HARRIS COUNTY, TEXAS**
§
SELECT PORTFOLIO §
SERVICES, INC. and BERGEN §
GROUP, LLC § **11th JUDICIAL DISTRICT**

APPLICATION FOR EX-PARTE TEMPORARY RESTRAINING ORDER

COMES NOW Lee Overstreet, Plaintiff herein, filing this her Motion to Extend Temporary Restraining Order and would respectfully show the Court as follows:

1. Plaintiff's Original Petition was filed on May 24, 2024. A Temporary Restraining Order was signed in this matter on May 29, 2024. A Temporary Injunction hearing was set for June 3, 2024 but was passed by Plaintiff. Plaintiff is still in the process of serving his Original Petition and the Temporary Restraining Order on Defendant due to the fact that Defendant Bergen Group is avoiding service by hiding behind their gated community. The existing Temporary Restraining Order expired on June 12, 2024. This restraining order was requested to prevent Defendant Bergen Group from pursuing any further eviction action against Plaintiff until the title issue (explained in Plaintiff's Petition) with the lender can be decided by this Court. Unfortunately, the Justice of the Peace in which the forcible detainer action (Precinct 5, Place 1) was filed refused to honor the wishes of this Court and continued the eviction hearing until after the TRO expires. The next hearing is scheduled for the 16th of June, 2024. Therein lies the problem. Accordingly, Plaintiff now seek a temporary injunction from the ancillary court to prevent any further eviction proceedings against Plaintiff and maintain the status quo until the title issues can be worked out.

1. Unless Defendant Bergen Group is enjoined, Plaintiff will suffer probable harm which is imminent and irreparable. More specifically, if not enjoined, Defendant may sell the Property at any time during the pendency of this matter thus depriving Plaintiff of ownership of the Property and potentially causing Plaintiff to be dispossessed of the Property. Additionally, Defendant has already initiated the eviction process and has filed a forcible detainer action. Plaintiff has no adequate remedy at law because the subject matter is real property and her homestead, and any legal remedy of which Plaintiff may avail herself will not give her a complete, equal, adequate, and final remedy as the injunctive relief sought in this Application.

2. Therefore, pursuant to Rule 680 of the Texas Rules of Civil Procedure, Plaintiff requests that this Court issue a Temporary Restraining Order and, thereafter, a Temporary Injunction to restrain Defendant from selling the real property which is the subject matter of this lawsuit and is commonly known as 1201 Bering Dr. #83, Houston, TX 77057 as well as from taking any legal action to evict Plaintiff and any other occupants from, or enforcing a writ of possession regarding the aforementioned property.

3. Plaintiff further requests that, upon trial on the merits, Defendants be permanently enjoined from the same acts listed in Paragraph 3 above.

4. Plaintiff is likely to prevail on the merits of the lawsuit as described above.

5. The granting of the relief requested is not inconsistent with public policy considerations.

BOND

6. Plaintiff is willing to post a reasonable temporary restraining order bond and requests that the Court set such bond.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully request that:

- A. A temporary restraining order be issued restraining Defendant Bergen Group, their agents, employees, and legal counsel, and those acting in concert or participation with Defendants who receive actual notice of the Order, by personal service or otherwise, from selling the real property which is the subject matter of this lawsuit and is commonly known as 1201 Bering Dr, #83, Houston, TX 77057 as well as from taking any legal action to evict Plaintiff and any other occupants from, , or enforcing a writ of possession, regarding the aforementioned property; and
- B. A Permanent Injunction be entered enjoining Defendant Begen Group from the same acts listed in Paragraph C above and such other and further relief, both general and special, at law or in equity, to which Plaintiff may be entitled.

Unofficial Copy Office of Marilyn Burgess District Clerk

Respectfully Submitted by,

Law Office of Erick DeLaRue, PLLC

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a that a true and correct copy of the foregoing has been sent to all counsel of record in accordance with the Texas Rules of Civil Procedure on June 15, 2024.

/s/ Erick DeLaRue
ERICK DELARUE

Unofficial Copy Office of Marvin Burgess District Clerk