Bill De La Garza

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> 20120053054 02/07/2012 RF2 \$24.00

## CAUSE NO. 2011-67148

JAMES LARSON, Individually and on behalf of ESTATE OF SYDNEY LARSON ("Plaintiffs")

("Plaintiffs")

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF JANUARY 1, 2005 MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1 ("Defendant") IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

SSO

157TH JUDICIAL DISTRICT

## AGREED FINAL ORDER

COMES NOW, Mark L. Honsaker, attorney for James Larson ("Plaintiff"), and

L. Keller Mackie, attorney for Deutsche Bank National Trust Company, as Trustee for the Pooling and Servicing Agreement dated as of January 1, 2005 Morgan Stanley ABS Capital I Inc.

Trust 2005-HE1 ("Defendant"), who agree to dispose of Plaintiff's causes of action as well as Defendant's counterclaim with this Agreed Final Order:

The Court has determined that it has jurisdiction over the subject matter and the parties in this proceeding. The Court finds that the mailing address of the property which is the subject of the suit and sought to be foreclosed by Defendant is 3105 DOW CIRCLE, DEER PARK, TX 77536 ("Property") and is more particularly described, to-wit:

LOT SIX (6) OF HARRISON VILLAS, AN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 284, PAGE 124 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

The Court further finds that through Defendant's in rem counterclaim, Defendant may proceed with foreclosure of the secured Property made the subject of this proceeding according to the terms of the security instrument, Tex. Prop. Code § 51.002, and applicable law in accordance with Rule 735.

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IT IS FURTHER ORDERED that a copy of this Order shall be sent to JAMES LARSON ("Plaintiff") and his counsel with the notice of the date, time and place of the foreclosure sale.

IT IS FURTHER ORDERED that Defendant may communicate with the Plaintiffs and all third parties reasonably necessary to conduct the foreclosure sale.

IT IS FURTHER ORDERED that the foreclosure sale of the Property will not take place before April 3, 2012.

IT IS FURTHER ORDERED that Plaintiff dismisses his claims against Defendant with prejudice and takes nothing by way of all of his claims against Deutsche Bank National Trust Company, as Trustee for the Pooling and Servicing Agreement dated as of January 1, 2005 Morgan Stanley ABS Capital I Inc. Trust 2005-HE1.

IT IS FURTHER ORDERED that Defendant, by and through its counsel, will cooperate with reasonable requests made by Plaintiff in pursuit of a refinance loan through a third party lender that would payoff the Texas Home Equity Note secured by the Property.

IT IS FURTHER ORDERED that this Agreed Final Order shall be null and void if Plaintiff tenders a full payoff to Defendant before the April 3, 2012 foreclosure sale.

SIGNED this 1711 day of

Judge Presiding

MACKIE WOLF ZIENTZ & MANN, P.C.

L. Keller Mackie

State Bar No. 24013077

Pacific Center I, Suite 660

14180 N. Dallas Parkway

Dallas, TX 75254

214-635-2650 (Phone)

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ATTORNEYS FOR DEUTSCHE BANK

NATIONAL TRUST COMPANY

BILL DE LA GARZA & ASSOCIATES

Marka. Housaker

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17050 Bl Camino Real

Houston, TX 77058

281-486-7007 (Phone)

281-486-0229 (Fax)

ATTORNEYS FOR JAMES LARSON

10-004326-670





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office February 7, 2012

Certified Document Number:

51069547

ICIAL

Chris Daniel, DISTRICT CLERK HARRIS COUNTY, TEXAS

ANY PROMISION HEREIN WHICH RESTRICTS THE SALE REPTIAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RICE IS INVALIDATED UNENFORCEASLE UNDER FEDERAL LAW. THE STATE OF TEXAS COUNTY OF HARRIS

I heneby carify that this restrument was FLED in File Number Sequence on the date and at the time.

ed himson by me; and was duly RECORDED, in the Official Public Records of Real Property of Hams

FEB -7 2012



HARRIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:

At the time of record time, this instrument was the heat photographic found to be incoreproduction b. .y, carbon or photo copy, discolored paper, etc. All blockouts additions and changes were present at the time the instrument was filed and recorded.

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com