

CAUSE NO. 2021-03881

Charles Mosely,	§	In the District Court
	§	
v.	§	Harris County, Texas
	§	
NewRez Mortgage LLC d/b/a Shellpoint Mortgage Servicing,	§ §	215th Judicial District

SHELLPOINT'S MOTION FOR ENTRY OF FINAL JUDGMENT

Defendant Newrez LLC d/b/a Shellpoint Mortgage Servicing (**Shellpoint**) requests the court enter a final judgment in the above-captioned matter.

BACKGROUND

1. Charles Mosely initiated this lawsuit pro se on January 20, 2021. He asserted, in his most recent petition, one count for declaratory relief against Shellpoint and co-defendant Selene Finance. Shellpoint appeared in this lawsuit effective February 5, 2021, but Selene did not, and Mr. Mosely did not apparently make any concerted effort to serve the latter.

2. Shellpoint moved for summary judgment against Mr. Mosely on all claims he asserted against it on January 27, 2023. The court set the motion for hearing by submission on February 20, 2023. When Mr. Mosely failed to file a response by the hearing date, the court granted Shellpoint summary judgment, leaving Selene as the only active defendant.

3. After the court granted summary judgment, Mr. Mosely filed motions to "strike defendant's summary judgment evidence" and "motion for leave to file amended pleading[.]" However, he did not apparently set either for hearing. Nor did he serve Selene Finance, who remained an active defendant but with no obligation to answer or appear.

4. The case reached trial on March 27, 2023, January 3, 2024, and May 6, 2024, but with no service on Selene, summary judgment for Shellpoint, and no request by Mr. Mosely for the court to hear his pending motions, the court could only reset the trial date each time. Finally, on

May 1, 2024, Mr. Mosely non-suited defendant Selene Finance, leaving no further defendants. A few weeks later, Mr. Mosely sued Selene Finance and another defendant in a separate action before this court. *See Charles Mosely v. RCF 2 Acq. Tr.*, No. 202433605 (165th Dist. Ct., Harris County, Tex. May 28, 2024).

ARGUMENTS & AUTHORITIES

5. Any party may prepare and submit a proposed judgment to the court for signature. R. 305. "The judgment shall conform to the pleadings, the nature of the case proved, and the verdict, if any, and shall be so framed as to give the party all the relief to which he may be entitled either in law or equity." R. 301.

6. In this case, the court issued summary judgment in favor of Shellpoint on all claims, ordering Mr. Mosely take nothing and taxing costs against him. Mr. Mosely since nonsuited his remaining claims, concluding this action. However, the court must enter a judgment to trigger any deadline to appeal and finally end this matter. Tex. R. App. P. 26.1.

7. Shellpoint understands Mr. Mosely filed additional motions seeking relief over a year ago, but has not secured rulings on them. Without securing a ruling, those motions do not prevent appeal or entry of the court's judgment. *In re T.D.N.*, No. 14-07-00387-CV, 2008 WL 2574055, at *1 (Tex. App.—Houston [14th Dist.] June 26, 2008, no pet.); *In re Guillory*, No. 9-14-00141-CR, 2014 WL 1514328, at *1 (Tex. App.—Beaumont April 16, 2014, no pet.); *In re Banks*, No. 9-20-00157-CR, 2020 WL 4006121, at *1 (Tex. App.—Beaumont July 15, 2020). The case is ripe for the court to enter a final judgment.

PRAYER

8. Shellpoint requests the court enter the attached proposed judgment and award it such other relief as it is justly entitled.

Dated: June 24, 2024

Respectfully submitted,

/s/ Melanie Morgan

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CERTIFICATE OF SERVICE

A true and correct copy of this document was served on June 24, 2024 as follows:

VIA REGULAR U.S. MAIL

AND CERTIFIED MAIL / RRR

No. 9414 7266 9904 2186 4887 45

Charles Mosely

3005 Nita Street

Houston, Texas 77051

Pro Se

/s/ Melanie Morgan

Melanie Morgan

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Lisa Endtricht on behalf of Melanie Morgan

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Filing Description: SHELLPOINT'S MOTION FOR ENTRY OF FINAL JUDGMENT

Status as of 6/24/2024 4:30 PM CST

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