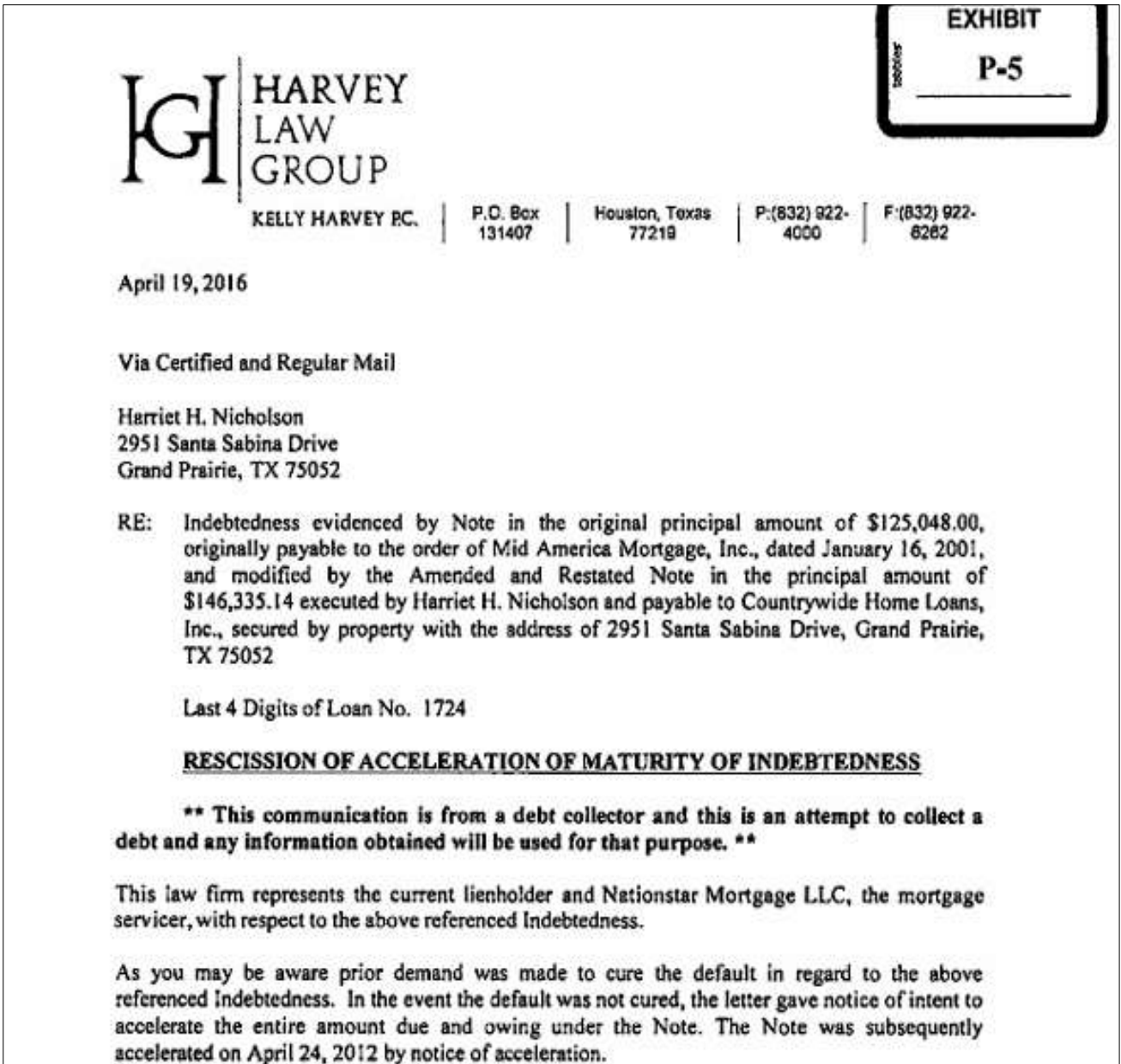


known within the court's jurisdiction; or b. Accurately and readily ascertainable from sources whose accuracy is beyond reasonable question.

2. **Imperative Judicial Notice:** The Court is mandated to take judicial notice upon request when provided with the necessary information. Rule 201(c)(2) explicitly states that judicial notice may be taken at any stage of the proceeding (Rule 201(d)).
3. **Precedential Endorsement:** The Fifth Circuit has unequivocally affirmed that judicially noticed facts can be pivotal in adjudicating a motion to dismiss (*Funk v. Stryker Corp.*, 631 F.3d 777, 783 (5th Cir. 2011)).
4. **Evidence of Fraud on the Court:** The Defendants' shifting arguments across different courts and briefs are not mere inconsistencies but constitute a deliberate attempt to mislead the judiciary. Such conduct undermines the integrity of the judicial process and should not escape this Court's attention.
5. **Exhibits Warranting Judicial Notice:** Plaintiff requests this Court to take judicial notice of the following exhibits from the reporter's record in case No. 342-262692-12, which are critical to exposing the Defendants' duplicity:
 - a. **Exhibit P5:** The April 19, 2016, Rescission of Acceleration of Maturity of Indebtedness, sent by the Harvey Law Group on behalf of the current lienholder and Nationstar Mortgage, purporting to rescind the April 24, 2012, Acceleration of the foreclosed loan. (See Ex. A, p. 5)



b. **Exhibit P6:** The June 20, 2016, CFPB response from Richard Danner, attorney for the Bank of New York Mellon, purporting that the July 30, 2014, Notice of Rescission (D214164490) reinstated the loan documents post-foreclosure. (See Ex. A, p. 8)

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Enclosed for your review are copies of the following documents:

- 1) Letter to you related to prior CFPB complaints and Exhibits A through G thereto, dated May 6, 2014 (Exhibit 1);
- 2) Service release letter, dated November 12, 2014 (Exhibit 2);
- 3) Rescission of Substitute Trustee's Sale and Cancellation of Substitute Trustee's Deed, recorded in Tarrant County on July 31, 2014 (Exhibit 3).

As indicated in the attached service release letter, Bank of America ceased servicing your loan on December 1, 2014. Subsequent to that point, Nationstar Mortgage, LLC has been the servicer of your loan. The reason there was at one time a zero balance on your loan was because of the July 3, 2012, foreclosure. After the foreclosure the loan would have been moved to a zero balance due to the loan being foreclosed. Subsequently, on July 24, 2014, the rescission was filed, reinstating the lien on the property and you as the owner of the property. It would be at that time that the loan would again have a balance. Bank of America has no further interest in your loan and has not since December 1, 2014. You will need to discuss these issues with the current servicer.

Finally, as you are aware, you have a current lawsuit against Bank of America, styled *Harriet Nicholson v. Bank of America, N.A., Bank of New York Mellon, ReconTrust Company N.A.; and Melanie Cowan*, Cause No. 4:13-cv-00310-Y, pending in the United States District Court for the Northern District of Texas, Fort Worth Division. This lawsuit deals with issues related to the servicing of the loan prior to the above-referenced service transfer. Due to this matter being involved in litigation, please direct any further inquiries regarding issues that transpired prior to the service transfer date to the undersigned.

Sincerely,

McGlinchey Stafford, PLLC



R. Dwayne Danner

6. **Defendants' Strategic Reversal:** In a brazen attempt to rewrite history, the Defendants now contend that "Acceleration of the debt was timely abandoned, which restored the Loan to its pre-acceleration status (that is, Nicholson owes payments on the Note and the Property is subject to a valid and enforceable security interest by way of the Deed of Trust)" (See Doc. 53, BONY's and Nationstar's Motion to Dismiss, § II, C, PAGE ID 783). This assertion starkly contrasts with their previous positions and exposes their strategy of obfuscation and deceit.

Conclusion: In the interests of justice and to prevent further manipulation of the judicial process, Plaintiff respectfully urges this Court to take judicial notice of the

aforementioned exhibits from the reporter's record in case No. 342-262692-12. These documents are indispensable for a fair and accurate adjudication of this matter.

Respectfully submitted,
/s/ Harriet Nicholson
2951 Santa Sabina Drive
Grand Prairie, Texas 75052
817-217-0245

CERTIFICATE OF SERVICE

I hereby certify that on this July 21, 2024, a true and correct copy of the foregoing Motion to Take Judicial Notice of Public Records was served upon all counsel of record via the Court's electronic filing system.

/s/ Harriet Nicholson