

**CAUSE NO. 202320312**

**NATIONSTAR MORTGAGE LLC,  
Plaintiff,**

**v.**

**LAURA M DELAGARZA; ET AL,  
Defendant.**

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**IN THE COURT OF**

**HARRIS COUNTY, TEXAS**

**215<sup>TH</sup> JUDICIAL DISTRICT**

**PLAINTIFF’S MOTION FOR SUBSTITUTE SERVICE OF PROCESS**

Plaintiff, Nationstar Mortgage LLC, (“Nationstar”) asks the court to authorize service of process on Defendant, Excess Funds Online, LLC (“Excess Funds”) pursuant to Tex R. Civ. Proc. 106(b) by delivering process to its registered agent Anthony Welch in the manner requested. In support, Nationstar shows the following.

1. Excess Fund’s registered agent Anthony Welch’s, whose address for service of process is 18814 Cove Vista Lane, Cypress TX 77433.
2. Nationstar attempted personal service on but failed to personally serve Excess Funds through its agent at the address for service specified by the Texas Secretary of State on three or more occasions. These service attempts and the facts appurtenant thereto are set forth in the affidavit of service attached hereto as Exhibit 1.
3. The Affidavit of Plaintiff’s process server establishes facts not apparent from the record. The affidavit provides proof of the reasonableness of Nationstar’s attempts and that the alternative service requested will be sufficient to provide Excess Funds notice of the suit.
4. Nationstar asks the court to sign an order authorizing Nationstar to serve Defendant, Excess Funds’ registered Agent Anthony Welch by any one of the following methods:
  - a. By Delivering a true copy of the Citation and Petition and Order authorizing substituted service attached, with anyone more than sixteen (16) years of age 18814 Cove Vista Lane, Cypress, TX 77433; or

b. By attaching a true copy of the Citation and Petition and Order authorizing substitute service, securely to the front door or entry way at 18814 Cove Vista Lane, Cypress, TX 77433, and if the property is protected by a fence, by attaching securely to the gate at 18814 Cove Vista Lane, Cypress, TX 77433.

5. Nationstar asserts to the Court that based on the evidence attached, the manner of service requested and ordered will be reasonably effective to give said Defendant notice of the lawsuit.

WHEREFORE, PREMISES CONSIDERED, Nationstar requests that the court grants its motion, and enter an order providing for substituted service on Excess Funds as requested herein.

Respectfully submitted,

**MCCARTHY & HOLTHUS, LLP**

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**ATTORNEYS FOR PLAINTIFF**

# EXHIBIT 1

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 202320312

Nationstar Mortgage LLC,

§

IN THE COURT OF

Plaintiff,

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VS.

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HARRIS COUNTY, TEXAS

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Laura M Delagarza; et al,

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Defendant.

§

215 JUDICIAL DISTRICT

**AFFIDAVIT IN SUPPORT OF SUBSTITUTE SERVICE**

On this day personally appeared Amy Bermudez who, being by me duly sworn, deposed and said:  
(server name)

"The following came to hand on 4/4/2024 at 8:43 AM,

**CITATION, PLAINTIFF'S FIRST AMENDED PETITION,**

For delivery to Excess Funds Online, LLC by delivering to its Registered Agent Anthony Welch

1) Unsuccessful Attempt: Apr 5, 2024, 3:50 pm CDT at 7322 Southwest Fwy Suite 802, Houston, TX 77074

Bad address confirmed, suite 802 is now a counseling service, checked the building directory and spoke with a 56 year old security guard who stated there's no suite 807 and no tenant named Anthony Welch or Excess Funds Online.

2) Unsuccessful Attempt: Apr 16, 2024, 7:50 pm CDT at 18814 Cove Vista Lane, Cypress, TX 77433

No answer, left card.

3) Unsuccessful Attempt: Apr 17, 2024, 6:22 pm CDT at 18814 Cove Vista Lane, Cypress, TX 77433

The Registered Agent Anthony Welch identified himself through his RING camera system. He stated he will be home in the evening Thursday to accept service. Vehicle present with Texas plates no. RPX1630 which is registered to the Registered Agent Anthony Welch at the address, expires 7/2024. Vehicle printout attached.

4) Unsuccessful Attempt: Apr 18, 2024, 6:00 pm CDT at 18814 Cove Vista Lane, Cypress, TX 77433

Same car of the subject's in driveway again. No answer, left card. Although he assured me, he would be home this evening, no one answered the door.

5) Unsuccessful Attempt: Apr 19, 2024, 1:30 pm CDT at 18814 Cove Vista Lane, Cypress, TX 77433

No answer, left card.

6) Unsuccessful Attempt: Apr 20, 2024, 7:07 pm CDT at 18814 Cove Vista Lane, Cypress, TX 77433

Lights are on, no answer, left card, his car in driveway again, Texas plates RPX1630.

At 7:45 pm: Called possible numbers 713-909-9641 and 832-718-0001. These numbers have no voicemail set up and there was no answer.

7) Unsuccessful Attempt: Apr 22, 2024, 10:00 am CDT at 18814 Cove Vista Lane, Cypress, TX 77433

Anthony called me back and said he will "let me know if he will decide to take the paper this evening." He stated that no one should be trying to contact him with legal papers. I will still make my attempts accordingly.

8) Unsuccessful Attempt: Apr 24, 2024, 7:27 am CDT at 18814 Cove Vista Lane, Cypress, TX 77433

Lights are on, no answer, left card, same car in driveway. The Registered Agent has not called me back.

I have made diligent efforts to deliver said papers to **Excess Funds Online, LLC** by delivering to its **Registered Agent Anthony Welch**. I have made numerous attempts at their confirmed residence address as described above and have posted my information to the front door of their residence. I believe an efficient way to effect service is **by leaving a copy of the Citation, with Plaintiff's First Amended Petition attached, with anyone over 16 years of age at Excess Funds Online, LLC's Registered Agent Anthony Welch's residence at 18814 Cove Vista Lane, Cypress, TX 77433 or by securely attaching with tape to the front door of 18814 Cove Vista Lane, Cypress, TX 77433**, where it is sure to be seen by someone at the residence, or in any other manner the affidavit or evidence before the court shows will be reasonably effective to give the defendant notice of the suit.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."



Server signature

Server # 23324

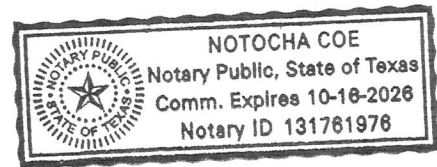
Expiration 10/31/25

**BEFORE ME**, a Notary Public, on this day personally appeared Amy Bermudez, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 5/30/24

Notocha Coe

Notary Public, State of Texas



Unofficial Copy Office of Marilyn B. Coe, Notary Public, State of Texas