

Cause No. 202327030

IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS

55TH JUDICIAL DISTRICT

Veronica Mckelvin Smith, Plaintiff

v.

Texas Capital Loans, LLC, a Delaware Limited Liability

Defendant

EMERGENCY PLAINTIFF'S MOTION TO EXTEND TEMPORARY RESTRAINING ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Veronica Mckelvin Smith, and files this Motion to Extend the Temporary Restraining Order ("TRO") previously issued by this Court, and in support thereof would respectfully show the Court as follows:

1. BACKGROUND

Plaintiff Veronica Mckelvin Smith is currently engaged in a legal dispute with Defendant Texas Capital Loans, LLC, regarding the foreclosure of her property located at 10723 Cypresswood Dr., Houston, TX 77070. On July 25, 2024, this Court issued a TRO restraining Defendant from taking further action to foreclose on or otherwise transfer ownership of the subject property.

2. NEED FOR EXTENSION

The TRO is set to expire on JULY 29, 2024. However, the underlying issues that necessitated the TRO have not been resolved. Specifically, Plaintiff asserts that the Defendant, Texas Capital Loans, LLC, A Delaware Limited Liability has engaged in practices that violate Texas law, including conducting a foreclosure without proper legal standing and failing to maintain accurate accounting and recordkeeping.

3. ARGUMENTS IN FAVOR OF EXTENSION

Plaintiff contends that the TRO should be extended for the following reasons:

- **Ongoing Legal Dispute:** The legal proceedings in this case are ongoing, and an extension of the TRO is necessary to maintain the status quo and prevent irreparable harm to Plaintiff until the court can fully adjudicate the matter. Filed a Bill of review.
- **Potential Irreparable Harm:** If the TRO is not extended, Plaintiff faces the imminent threat of losing her home, which would constitute irreparable harm.

- **Balance of Equities:** The harm to Plaintiff from the potential loss of her home outweighs any inconvenience to the Defendant from an extension of the TRO.
4. **REQUEST FOR RELIEF**

Plaintiff respectfully requests that the Court grant the following relief:

- Extend the TRO for an additional 14 days to allow the Court to fully consider the merits of the case.
- Set a hearing date for further consideration of the TRO and any related issues.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Veronica Mckelvin Smith prays that this Court grant this Motion to Extend the Temporary Restraining Order and for such other and further relief to which she may show herself justly entitled.

Respectfully submitted,

Veronica Mckelvin Smith
10723 Cypresswood Drive
Houston Texas 77070

Unofficial Copy Office of Marilyn Burgess District Clerk