

Cause No. 2024-57942

TEOFILIA ADAME,
RAYMUNDO ADAME,

Plaintiffs,

v.

MCLP ASSET COMPANY, INC
SELENE FINANCE, LP,

Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

295TH JUDICIAL DISTRICT

**DEFENDANTS, MCLP ASSET COMPANY, INC. AND SELENE FINANCE, LP'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MCLP Asset Company, Inc. ("MCLP") and Selene Finance, LP ("Selene") (collectively hereinafter "Defendants"), and files this their Original Answer to Plaintiffs' Original Petition and respectfully shows the Court as follows:

GENERAL DENIAL

1. As allowed by the Texas Rules of Civil Procedure, Selene and MCLP denies generally all the allegations constituting a claim that were included in Plaintiffs' Original Petition and demands strict proof thereof.

SPECIAL EXCEPTIONS

2. Defendants specially except to paragraphs 15-25 of Plaintiffs' Original Petition on the basis that it fails to state any cause of action against Defendants. Specifically, Plaintiffs fail to state any negligent or false representations of material fact made by Defendants; failed to establish that Defendants induced Plaintiffs to enter into a contract; failed to establish that Plaintiffs relied

on the representations when entering into a contract; and failed to establish any unlawful or overt acts that caused damage to Plaintiffs.

3. Further, Plaintiffs failed to establish any acts which constitute conspiracy to commit a wrongful foreclosure between Defendants Selene and MCLP and/or "Carrington" who is not a party to this suit. Plaintiffs admit that they obtained a mortgage on or about June 29, 2005, which is held by Defendant MCLP. (Plaintiffs' Original Petition Para. 9) Plaintiffs admit that Defendant Selene is the mortgage servicer on behalf of Defendant MCLP, and has been responsible for managing the loan and foreclosure process. *Id. at 10.* Plaintiffs fail to establish that Defendants have not followed proper foreclosure procedures under Texas law and committed any unlawful acts in furtherance of the foreclosure proceedings.

AFFIRMATIVE DEFENSES

4. Plaintiffs' claims fail, in whole or in part, because the allegations fail to state a cause of action upon which relief can be granted.

5. Plaintiffs' claims fail, in whole or in part, due to Plaintiffs breach of contract.

6. Defendants assert failure to mitigate as an affirmative defense.

REQUEST FOR DISCLOSURES

7. Pursuant to the Texas Rules of Civil Procedure, parties are required to make initial disclosure within thirty (30) days after the filing of this answer as directed by Tex. R. Civ. P. 194.1.

REQUEST FOR PRESERVATION OF EVIDENCE

8. Request is hereby re-iterated and repeated herein that Plaintiff preserve all records or written and oral communications or attempted communications with Defendants and any record of contact or attempted contact with Defendants, through the foreclosure process and thereafter. Destruction of such evidence shall constitute spoliation.

RULE 193.7 NOTICE

9. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant hereby gives notice that all documents produced by any party hereto may be used at any pretrial proceeding or at the trial of this matter.

RESERVATION OF RIGHTS

10. Defendants reserve the right to amend this Answer as may be authorized by the Court, and as may be permitted by the Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, MCLP Asset Company, Inc. and Selene Finance, LP, respectfully pray that Plaintiffs take nothing by reason of their charges and allegations herein, that these Defendants recover its costs, attorneys' fees, and such other and further relief, both at law and in equity, to which Defendants may show themselves to be justly entitled.

Respectfully submitted,

ALDRIDGE PITE, LLP

/s/ Tasha E. James

Tasha E. James

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ATTORNEY FOR DEFENDANTS

Unofficial Copy Office of Marilyn Bugges District Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing notice was forwarded to all known parties or their counsel of record as indicated below, in accordance with the Texas Rule of Civil Procedure:

Thaison D. Hua
Rejas, Hua & Hoang, PLLC
4909 Bissonnet, Suite 100A
Bellaire, TX 77401

/s/ Tasha E. James
Tasha E. James

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Bar No. 24055729

TXLitigationFilings@aldridgepite.com

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Filing Code Description: Answer/ Response / Waiver

Filing Description: Defendants, MCLP Asset Company, Inc. and Selene Finance, LP's Original Answer

Status as of 10/15/2024 1:19 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Thaison Hua	24097852	thaison@rhhlawgroup.com	10/15/2024 12:43:19 PM	SENT

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