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TROX  
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CASO

CASE No: 2011-43834  
IN THE CIRCUIT COURT OF THE TEXAS JUDICIAL CIRCUIT  
IN AND FOR HARRIS COUNTY, STATE OF TEXAS  
CIVIL DIVISION

JANOS FARKAS  
Plaintiff,

v.

GMAC MORTGAGE, LLC FKA GMAC  
MORTGAGE and  
DEUTSCHE BANK TRUST COMPANY  
AMERICAS AS TRUSTEE  
Defendants

§ IN THE DISTRICT COURT OF  
§  
§  
§  
§ HARRIS COUNTY, TEXAS  
§  
§  
§  
§ 234<sup>th</sup> JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER**

ON THIS DAY, came on to be heard the request for a temporary restraining order of Janos Farkas, Plaintiff, as set forth in their Original Petition Application for Temporary Restraining Order ("Petition"). The Court, having examined the verified Petition, finds that it shows Plaintiff to be entitled to a Temporary Restraining Order, pending the hearing on the request for Temporary Injunction.

Moreover, appears from the facts set forth in Plaintiff's Petition that absent this Court's order, GMAC MORTGAGE, LLC FKA GMAC MORTGAGE and DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE, Defendants will conduct a foreclosure sale on August

**FILED**

Chris Daniel  
District Clerk

JUL 27 2011

Time: \_\_\_\_\_  
Harris County, Texas

By \_\_\_\_\_  
Deputy

2<sup>nd</sup>, 2011, of Plaintiff's real properties (hereinafter referred to "Properties") located at:

21331 Claretfield Court, Humble, Texas 77338, more particularly:

LOT 41, IN BLOCK 3, KENSWICK FOREST, SECTION 2, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 540208 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

4115 Oakview Creek Lane, Houston, TX 77048, more particularly:

LOT 28, IN BLOCK 3, AUTUMN GLEN, SECTION 3, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO 590026 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

The Court further finds that such activity will cause substantial immediate and irreparable harm to Plaintiff and that Defendants should be enjoined from such activity. The Court further finds that Plaintiff has shown a probable right and probable injury if this order is not granted.

The Court also finds that ~~it is necessary to grant this Order~~ <sup>Defendants were notified of the</sup> ~~without notice to the Defendants because clearly appears from~~ <sup>TRO hearing and chose not to participate.</sup> ~~the facts shown the verified Petition that immediate and irreparable injury loss, or damage will result to Plaintiff before notice can be served and a hearing had thereon. The foreclosure sale deprive Plaintiff of the use and enjoyment of~~ (k)

his properties, the right to sell or mortgage the property at some future date, and Plaintiff will not obtain the full benefit of accumulated equity or appreciated value.

IT IS THEREFORE ORDERED that a Temporary Restraining Order be, and the same is hereby GRANTED and issued, and the Defendants, its agents, officers, servants, employees, representatives, attorneys, and other parties concert or participation with them, including any Trustee or Substitute Trustee, are hereby enjoined from conducting a foreclosure sale or otherwise dispossessing Plaintiff of their interest in the aforementioned Property.

IT IS FURTHER ORDERED that this Temporary Restraining Order be effective upon the filing of a Surety Bond or Cash in Lieu of Bond in the Amount of \$ ~~100.00~~ payable to the District Clerk as required by law. The Temporary Restraining Order shall continue in effect until the hearing set below is completed and/or an Order is entered.

IT IS FURTHER ORDERED that upon the filing of such Surety Bond or Cash in Lieu of Bond Plaintiff, the Clerk of this Court shall issue citation and notice to the Defendants of the Temporary Restraining Order and notice to appear to show cause, any, it has as to why the Temporary Restraining Order shall not be made into a Temporary Injunction, said hearing being set by the Court

for the 5<sup>th</sup> day of August, 2011 at 10:30<sup>a.m.</sup> in the 234<sup>th</sup> District Court of Harris County, Texas; 201 Caroline, 13th Floor Houston, Texas 77002.

SIGNED this 27 day of July 2011 at 10:25<sup>a.m.</sup>



JUDGE PRESIDING

Unofficial Copy Office of Marilyn Burgess District Clerk