

**I. ARGUMENT AND AUTHORITIES**

**I.1. Tex. Civ. Prac. & Rem. Code § 37.001, Declaratory Actions**

69. Under Texas law, a declaratory judgment is appropriate remedy if: (1) a justiciable controversy exists as to the rights and status of the parties; and (2) the controversy will be resolved by the declaration sought. See *Park Cities Ltd. P'ship v. Transpo Funding Corp.*, 131 S.W.3d 654, 662 (Tex. App.-Dallas 2004, no pet.); *Texas Dept. of Pub.Safety v. Moore*, 985 S.W.2d 149, 153 (Tex. App. Austin 1998, no pet).

70. The fact and arguments presented in the instant suit meet these criteria, because Defendants creating blatant controversies about the ownership of the subject loans and the related debts.

**I.2. Texas Property Code 51.002**

71. The foreclosure sale is a non-judicial process in Texas and controlled by the Texas Property Code. Defendants must be entitled to invoke the power of sale according to the Deed of Trust to initiate the sale pursuant to Texas Property Code 51.002(a):

"A sale of real property under a power of sale conferred by a deed of trust or other contract lien must be a public sale at auction held between 10 a.m. and 4 p.m. of the first Tuesday of a month." (emphasis added)