

CAUSE NO. 2024-33918

<p>RAPHAEL YONKO</p> <p>v.</p> <p>JMB HOME TOTAL SOLUTIONS LLC AND CARRINGTON MORTGAGE SERVICES, LLC</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE DISTRICT COURT OF</p> <p>HARRIS COUNTY, TEXAS</p> <p>133rd JUDICIAL DISTRICT</p>
--	--	--

**ORDER GRANTING AGREED NOTICE OF NON-SUIT WITH PREJUDICE**


On this day the Court considered the Agreed Notice of Non-Suit with Prejudice and finds that the request has merit and should be GRANTED. It is therefore

ORDERED, ADJUDGED and DECREED that all claims in the above-entitled and numbered cause that were or could have been asserted by Plaintiff against JMB Home Total Solutions LLC are hereby dismissed with prejudice, with costs of court being assessed against Plaintiff. It is further

ORDERED, ADJUDGED and DECREED that all claims in the above-entitled and numbered cause that were or could have been asserted by JMB Home Total Solutions LLC against Plaintiff are hereby dismissed with prejudice

All relief not expressly granted in this Order is hereby denied.

Entered on October \_\_\_\_\_, 2024.

Signed:   
 10/17/2024  
 \_\_\_\_\_  
 JUDGE JACLANEL MCFARLAND

Unofficial Copy Office of Marilyn Burgess District Clerk

**CAUSE NO. 2024-33918**

**RAPHAEL YONKO** § **IN THE DISTRICT COURT OF**  
§  
v. §  
§ **HARRIS COUNTY, TEXAS**  
**JMB HOME TOTAL SOLUTIONS LLC** §  
**AND CARRINGTON MORTGAGE** §  
**SERVICES, LLC** § **133rd JUDICIAL DISTRICT**

**AGREED MOTION FOR RELEASE OF DEPOSITED FUNDS**  
**FROM THE REGISTRY OF THE COURT**

TO THE HONORABLE JUDGE JACLANEL MCFARLAND:

Raphael Yonko as well as JMB Home Total Solutions LLC hereby file their Agreed Motion for Release of Deposited Funds from the Registry of the Court and requests the Court to release funds deposited with the Clerk of this Court as bond the issuance of temporary restraining orders to Plaintiff and would show the Court as follows:

1. Plaintiff's counsel deposited \$100 into the registry of the Court on June 03, 2024. A true and correct copy of the related Clerk's Certificate of Cash Deposit in Lieu of Injunction Bond Per Order of the Court is attached hereto as Exhibit "1" and incorporated herein for all purposes.

2. Plaintiff's counsel deposited \$3,200 into the registry of the Court on August 05, 2024. A true and correct copy of the related Clerk's Certificate of Cash Deposit in Lieu of Injunction Bond Per Order of the Court is attached hereto as Exhibit "2" and incorporated herein for all purposes.

3. JMB's counsel deposited \$100 into the registry of the Court on August 23, 2024. A true and correct copy of the related Clerk's Certificate of Cash Deposit in Lieu of Injunction

Bond Per Order of the Court is attached hereto as Exhibit "3" and incorporated herein for all purposes.

4. The parties have settled this matter and are filing an Agreed Notice of Nonsuit with Prejudice contemporaneously with this motion.

5. The parties request that the \$3,400 temporary restraining order bonds, along with the accumulated interest, be released equally to their respective legal counsel at their addresses listed below.

**PRAYER**

The parties request that the Court GRANT this motion and enter an Order releasing the subject \$3,400 temporary restraining order bonds, along with the accumulated interest, equally to their respective undersigned legal counsel and for such other and further relief, both general and special, at law or in equity, to which the parties are justly entitled.

Respectfully submitted,

VILT LAW, P.C.

By: /s/ Robert C. Vilt  
ROBERT C. VILT  
Texas Bar Number 00788586  
Email: clay@viltlaw.com  
5177 Richmond Avenue, Suite 1142  
Houston, Texas 77056  
Telephone: 713.840.7570  
Facsimile: 713.877.1827  
ATTORNEYS FOR PLAINTIFF

HAYES HUNTER, P.C.

By: /s/ Charles Clinton Hunter  
Charles Clinton Hunter  
Texas Bar Number 24072160  
Email: chunter@hayeshunterlaw.com  
4265 San Felipe Street, Suite 1000  
Houston, Texas 77027  
Telephone: 346.363.0334  
Facsimile: 713.583.7047  
ATTORNEYS FOR DEFENDANT  
JMB HOME TOTAL SOLUTIONS LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record via the court's ECF on October 14, 2024.

Charles Clinton Hunter  
Lucas J. Miller  
Hayes Hunter, PC  
4265 San Felipe Street, Suite 1000  
Houston, Texas 77027

/s/ Robert C. Vilt  
ROBERT C. VILT

Unofficial Copy Office of Marilyn Burgess District Clerk

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Nicolas Vilt on behalf of Robert Vilt

Bar No. 788586

nicolas@viltlaw.com

Envelope ID: 93128245

Filing Code Description: Motion (No Fee)

Filing Description: Agreed Motion for Release of Deposited Funds from the Registry of the Court

Status as of 10/14/2024 2:20 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Service Email		service@hayeshunterlaw.com	10/14/2024 1:27:20 PM	SENT
Charles ClintonHunter		chunter@hayeshunterlaw.com	10/14/2024 1:27:20 PM	SENT
Robert CVilt		clay@viltlaw.com	10/14/2024 1:27:20 PM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk