

2024-83290 / Court: 129

CAUSE NO. _____

DHI HOLDINGS, LP,)	IN THE DISTRICT COURT
)	
Plaintiff,)	
vs.)	
)	
U.S. BANK TRUST NATIONAL)	_____ JUDICIAL DISTRICT OF
ASSOCIATION, NOT IN ITS INDIVIDUAL)	
CAPACITY BUT SOLELY)	
AS TRUSTEE OF FIDELITY &)	
GUARANTY LIFE MORTGAGE TRUST)	
2018-1; AND FAY SERVICING, LLC.)	HARRIS COUNTY, TEXAS
Defendants.		

[EX PARTE] TEMPORARY RESTRAINING ORDER ENJOINING SUBSTITUTE TRUSTEE FORECLOSURE SALE

Plaintiff, DHI HOLDINGS, LP (“Plaintiff”), has filed an Application for Temporary Injunction and, in connection therewith, have presented an application for Ex Parte Temporary Restraining Order, together with Plaintiff’s Original Petition and Application for Injunctive Relief and declaration(s) and other evidence supporting the Application presented. It clearly appears from the papers that Plaintiff is probably entitled to a temporary injunction.

1. Therefore, the Defendants U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE OF FIDELITY & GUARANTY LIFE MORTGAGE TRUST 2018-1 and FAY SERVICING, LLC (“Defendants”), and any Trustee(s), agents, employees, or assigns acting on their behalf, are immediately enjoined, deterred, and barred from holding a scheduled December 3, 2024 Trustee’s sale covering certain real property located in Harris County, Texas, to wit: 12825 ARP ST, HOUSTON, TX 77085 (the “Property”), legally described as:

LOT 25 IN BLOCK 8 OF SOUTH MAIN ESTATES, SECTION 2, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 31, PAGE 60 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

The Court finds that Defendants will commit said act on December 3, 2024 before notice of a hearing on the Application for Temporary Injunction can be served and hearing had; and that if the commission of said acts be not immediately restrained, Plaintiff will suffer immediate and irreparable injury, to-wit: Plaintiff will suffer wrongful interference with possession and ownership of unique real property.

It is therefore ORDERED that Defendants, and every possible Trustee acting on their behalf, and their agents, and employees, are commanded forthwith to desist and refrain from holding a trustee's sale or taking foreclosure action against the Property more particularly described above, for all purposes from the date of entry of this order until the fourteenth (14th) day after entry or until further order of this Court.

It is further ORDERED that the Application of Plaintiff's Application for Temporary Injunction be heard on December 5, 2024 at 1:30pm o'clock .m. in the courtroom of the 129th Judicial District Court of Harris County, Texas.

The Clerk of the above-entitled Court shall forthwith, on the filing by Plaintiff of the Bond hereinafter required, and on approving same according to law, issue a Temporary Restraining Order in conformity with the law and the terms of this Order. This Order shall not be effective unless and until Plaintiff executes and files with the Clerk, a Bond in conformity with the law, in the amount of \$ 900.00.

SIGNED on this day of , 20 , at o'clock .m.

Signed:
11/27/2024
2:58 PM



Judge Presiding

APPROVED AS TO FORM AND SUBSTANCE:

JEFFREY JACKSON & ASSOCIATES, PLLC

/s/ Jeffrey C. Jackson

Jeffrey C. Jackson

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ATTORNEY FOR PLAINTIFF

Unofficial Copy Office of Marilyn Burgess District Clerk