

2024-83287 / Court: 189

CAUSE NO. _____

RAD DIVERSIFIED REIT, INC.)	IN THE DISTRICT COURT
)	
Plaintiff,)	
vs.)	
)	
CITIBANK, N.A., AS TRUSTEE ON)	_____ JUDICIAL DISTRICT
BEHALF OF MAV 1; AND FAY)	
SERVICING, LLC)	
)	
Defendants.)	OF HARRIS COUNTY, TEXAS

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

Plaintiff, RAD DIVERSIFIED REIT, INC. ("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 CITIBANK, N.A., AS TRUSTEE ON BEHALF OF MAV 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: 1502 BEACONSHIRE RD, HOUSTON, TX, 77077 (the "Property"), legally described as:

BEING A 0.1107 ACRE TRACT OF LAND LOCATED IN THE WILLIAM HARDIN SURVEY, A-34, HARRIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF THAT CERTAIN 20.5158 ACRE TRACT AS DESCRIBED BY COUNTY CLERK'S FILE NO. F-313603, FILM CODE 176-11-2, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED 20.5158 ACRE TRACT, SAID CORNER LYING IN THE

NORTHERLY LINE OF ASHFORD WEST, SECTION TWO, AS RECORDED IN VOLUME 155, PAGE 133, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, BEING THE SAME SOUTHWEST CORNER OF STONEHENGE III, A 20.5158 ACRE SUBDIVISION, AS RECORDED IN VOLUME 269, PAGE 129 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; THENCE NORTHERLY ALONG THE WEST LINE OF THE AFOREMENTIONED 20.5158 ACRE TRACT, NORTH 02° 33'04" WEST, 1388.04 FEET TO A POINT;

THENCE EASTERLY, LEAVING THE AFOREMENTIONED WEST LINE, SOUTH 87° 26' 19" EAST, 230.00 FEET TO THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87° 20' 55" EAST, 23.20 FEET TO A POINT FOR CORNER;

THENCE EASTERLY ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC BEING SUBTENDED BY A CENTRAL ANGLE OF 87° 47' 46", HAVING A RADIUS OF 25.00 FEET, AND AN ARC LENGTH OF 38.31 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 04° 51' 19" EAST, 76.40 FEET TO A POINT FOR CORNER;

THENCE SOUTH 87° 25' 56" WEST, 51.26 FEET TO A POINT FOR CORNER;

THENCE NORTH 02° 34' 04" WEST, 100.31 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.1107 ACRES (4,820 SQUARE FEET) OF LAND, BEING LOT SEVENTY FOUR (74) OUT OF REVERSE B OF STONEHENGE, SECTION NUMBER THREE (3), AS RECORDED IN VOLUME 269, AT PAGE 129 OF THE HARRIS COUNTY MAP RECORDS.

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 10, 2024 at 9:30am o'clock .m. in the courtroom of the 189th 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 \$ 2000.00.

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

Signed:
11/27/2024
2:50 PM


Judge Presiding

APPROVED AS TO FORM AND SUBSTANCE:

JEFFREY JACKSON & ASSOCIATES, PLLC

/s/ Jeffrey C. Jackson
Jeffrey C. Jackson
State Bar No. 24065485
11767 Katy Fwy., Ste. 813
Houston, TX 77079
713-861-8833 (T)
713-682-8866 (F)
jeff@jjacksonpllc.com
ATTORNEY FOR PLAINTIFF