

2024-89215 / Court: 133

CAUSE NO.

BENNIS CUTLER

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IN THE DISTRICT COURT

V.

OF HARRIS COUNTY, TEXAS

SELECT PORTFOLIO  
SERVICING, INC. and  
MANIHO, LLC

\_\_\_\_\_ JUDICIAL DISTRICT

P-3  
TROTX  
STBNX  
CASO

STATE OF TEXAS

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KNOW ALL THESE BY MEN PRESENTS:

COUNTY OF HARRIS

**EX-PARTE TEMPORARY RESTRAINING ORDER**

ON THIS DATE the Plaintiff's Application for Temporary Restraining Order in this cause, was heard and considered before this Court by ex-parte hearing.

Based upon the pleadings, exhibits, records, and documents filed by Plaintiff and presented to the Court, as well as the arguments of legal counsel at the ex-parte hearing, IT CLEARLY APPEARS THAT:

- A. Unless Maniho, LLC, ("Defendant"), their agents, employees, directors, shareholders, and legal counsel is/are immediately enjoined and restrained, Defendant may sell the Property at any time during the pendency of this matter thus depriving Plaintiff of ownership of the Property identified in the Petition and potentially causing Plaintiff to be dispossessed of the Property. Additionally, Defendant has already initiated the eviction process and has a filed a forceable detainer action. Plaintiff will suffer an immediate and irreparable harm and will have no adequate remedies under the law, and Defendant may commit the

foregoing before notice and hearing on Plaintiff's Application for Temporary Injunction.

- B. Plaintiff will suffer an irreparable harm if Defendant, their agents, employees, directors, shareholders, and legal counsel are not restrained immediately because Defendant is attempting to evict Plaintiff from his property on December 30, 2024 via a forceable detainer action. This is real property and Plaintiff's residence, and is unique and irreplaceable, and there is no adequate remedy at law to grant Plaintiff complete, final, and equitable relief.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendant, their agents, employees, directors, shareholders, and legal counsel *who receive actual notice* of the Order, by personal service or otherwise, are hereby ORDERED to *immediately cease and desist* from taking any further action in pursuit of selling the Property which is the subject matter of this lawsuit and is commonly known as 19311 Cypress Canyon, Katy, TX 77449 as well as ~~from taking any legal action to evict Plaintiff and any other occupants from, or enforcing a writ of possession regarding the aforementioned property.~~ Defendant, their agents, employees, directors, shareholders, and legal counsel *are hereby immediately enjoined* and restrained from the date of entry of this Order until fourteen (14) days hereafter, or until further ordered by this Court. DR

**IT IS FURTHER THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Application for Temporary Injunction be heard on the 13<sup>th</sup> day of January, 2025 starting at 3:00 a.m./p.m. in the courtroom of the 133rd District Court of Harris County located at in the Harris County Courthouse, 201 Caroline Street, Houston, Texas 77002 and that

Defendant is commanded to appear at that time and show cause, if any, why a temporary injunction should not be issued against Defendant.

The Clerk of the above-entitled court shall issue a notice of entry of a temporary restraining order in conformity with the law and the terms of this Order, to include a copy of this Order, upon the filing by Plaintiff of the bond hereinafter set.

This Order shall not be effective until Plaintiff deposits with the Harris County District Clerk, a bond in the amount of \$ 100,000, in due conformity with applicable law. The bond may be in the form of cash, cashier's check, or a check drawn from operating account of Plaintiff's attorney's law firm.

SIGNED and ENTERED this the 30<sup>th</sup> December day of January, 2027 at 1:56 4 ~~p.m.~~/p.m.



JUDGE PRESIDING

Unofficial Copy Office of Marvin Burgess District Clerk