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RP-2024-377607
10/11/2024 RP1 \$37.00

NOTICE OF LIS PENDENS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PLEASE TAKE NOTICE that the following suit was filed:

STYLE AND NUMBER OF PROCEEDING:

Justice Court #244100248394 Small Claims

10R

Patrick N. Sweeney v. NewRez, LLC dba Shellpoint mortgage servicing

288

COURT:

Pct. 4, Place 1

PARTIES:

Patrick N. Sweeney, Shellpoint Mortgage Servicing, NewRez, LLC

NATURE OF PROCEEDING:

Small Claims

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DISCRIPTION OF PROPERTY AFFECTED:

Lot32, in block 3, of Champion Forest Section 8, According to the map or Plat thereof recorded in Volume 299, Page 21, of the map records of Harris County, Texas

D

Executed this 10th day of October, 2024.

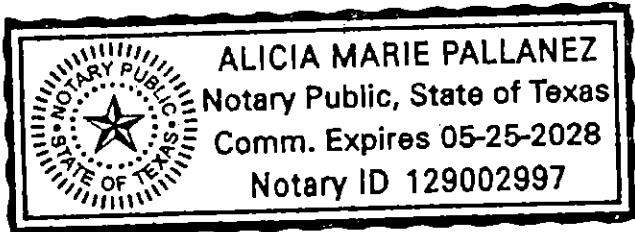
By: Patrick N. Sweeney
Print Name: Patrick N. Sweeney

ACKNOWLEDGMENT:

STATE OF Texas
COUNTY OF Harris

BEFORE ME, _____, on this day personally appeared Patrick N. Sweeney, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10th day of October, 2024.



11th
Alicia Marie Pallanez
Notary Public, in and for the State of Texas
May 25, 2028
My commission expires

// After Recording, return to: Patrick N. Sweeney 16010 Winchmore Hill
Spring, TX 77379

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View Document - 244100248394 - Original Petition Filed

Pages: 2

Small Claims Petition

NO. 244100248394

Patrick N Sweeney
Jill W. Sweeney
Plaintiff(s)

§ In the Justice Court of Harris County, Texas
§ Precinct 4 Place 1

vs.
NEWREZ LLC d/b/a Shellpoint
Mortgage Servicing
Defendant(s)

§ Judge Lincoln Goodwin

Plaintiff: Patrick A. (Age 21) Texas Citizen, ~~his~~ wife and co signer ^{PMO} Patrick N. Sweeney
Jill W. Sweeney

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)

mortgage servicing debt collector

Defendant: NEWREZ LLC d/b/a Shellpoint Mortgage Servicing

Address: 75 Beattie Place #300

City: Greenville State: SC Zip: 29601 Date of Birth (if applicable):

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

corporation

*Defendant may be served by serving Jason Yates, Senior Vice President
(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process
for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at

75 Beattie Place #300 Greenville SC 29601

(state the address for service of process.)

The defendant's usual place of business or residence, or other place where defendant can probably be found is 75 Beattie Place
#300 Greenville SC 29601

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the
defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If
you are seeking personal property, you must describe the property and state the value of the property.)

See Attached

RECEIVED
JUL 03 2024

BY: [Signature]

Relief Requested (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)

Restrain defendant from foreclosing, rule debt older than 4 yrs is
uncollectable rule 3 payments Oct, Nov, Dec 2020 were not applied correctly
Rule defendant engaged in deceptive trade practices, Award plaintiffs \$20,000.

Respectfully submitted

Signature of Plaintiff or Plaintiff's Attorney of Record

Printed Name: Patrick N. Sweeney

Address: 16010 Winchmore Hill Spring TX 77379

Telephone: 281-696-2109

Fax Number:

E-Mail Address: pat.sweeney@comcast.net

Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.

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Cause of Action

Defendant's notice of default and acceleration dated June 6, 2024 and received by Plaintiffs on June 12, 2024 is an attempt to collect a debt by a debt collector. The letter is a felony violation of Texas Penal Code, Sec. 32.55 FINANCIAL ABUSE OF ELDERLY INDIVIDUAL and Title 5, Sec. 392.304 of the Texas Finance Code. FRAUDULENT, DECEPTIVE, OR MISLEADING REPRESENTATIONS. Title 5, Sec. 392.403 of the Texas Finance Code. CIVIL REMEDIES allows for injunctive relief to prevent or restrain a violation of this chapter and actual damages sustained as a result of a violation of this chapter. Title 5, Sec. 392.404. REMEDIES UNDER OTHER LAW states that a violation of this chapter is also a deceptive trade practice under the Texas Business and Commerce Code. Title 2, Chapter 17, Sec. 17.46. DECEPTIVE TRADE PRACTICES UNLAWFUL. Texas Business and Commerce Code. Title 2, Chapter 17, Sec. 17.46 violations are subject to action by the consumer protection division and lawsuits by individuals. An offense under these sections is a felony of the second degree when the value of the property taken, appropriated, obtained, retained, or used is \$30,000 or more but less than \$150,000. The Texas Penal Code, Sec. 12.34 SECOND DEGREE FELONY PUNISHMENT stipulates that individuals adjudged guilty of a felony of the second degree shall be punished by imprisonment and/or a fine. Texas Penal Code, TITLE 3. Chapter 12. Subchapter E, Sec. 12.51. AUTHORIZED PUNISHMENTS FOR CORPORATIONS, ASSOCIATIONS, LIMITED LIABILITY COMPANIES, AND OTHER BUSINESS ENTITIES (b) states that a corporation, association, limited liability company, or another business entity can be sentenced to pay a fine up to \$20,000 for a felony of any category.

Shellpoint is not the original owner of the debt and is not able to prove that a debt greater than \$114,182.29 was sold to them in 2019. I dispute any amount owed over \$114,182.00, any debt owed dated prior June 2020 and the Monthly Payments Due for three months in 2020. The debt collector lied to me by failing to disclose information concerning the debt which was known at the time of the transaction; January 2021. The debt collector lied to me by making fraudulent and deceptive statements in the letter of June 6th. The statute of limitations for \$42,810.71 claimed as Monthly Payments Due in 2018 and 2019 in the June 6th letter expired on December 2, 2023. Three additional payments made in 2020, listed as Monthly Payments Due, are misleading representations. Plaintiffs pray that this Court restrain defendant from attempting foreclosure, rule that Monthly Payments Due dated earlier than June 2020 are beyond the statute of limitations and are uncollectable. Plaintiffs also pray this Court rule that the Monthly Payments Due dated October, November and December 2020, the corporation contact listed as "Alex Martinez" and the address listed as PO Box 650840, Dallas Texas are misleading representations that are violations of Title 5, Sec. 392.304 of the Texas Finance Code. Plaintiffs pray this Court award Plaintiffs \$20,000; an amount authorized by Texas Penal Code, TITLE 3. Chapter 12. Subchapter E, Sec. 12.51.

Pages: 2

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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FILED FOR RECORD

11:16:19 AM

Friday, October 11, 2024

Laneshia Hudspeth

COUNTY CLERK, HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

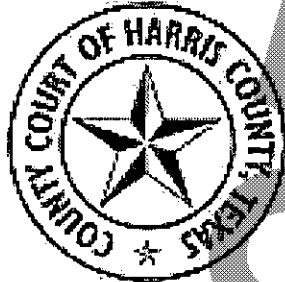
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED; in the Official Public Records of Real Property of Harris County Texas

Friday, October 11, 2024

Laneshia Hudspeth

COUNTY CLERK
HARRIS COUNTY, TEXAS



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