

CAUSE NO. 2025-00602

DONALD HANNSZ,

Plaintiff,

v.

MORTGAGE ASSETS
MANAGEMENT, LLC,

Defendant.

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IN THE DISTRICT COURT

189TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

DEFENDANT’S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES

Defendant Mortgage Assets Management, LLC (the “*Defendant*”) files its Original Answer and Affirmative Defenses to Plaintiff’s Original Petition, Application for Injunctive Relief and Request for Disclosures (the “*Petition*”), and respectfully shows as follows:

I. GENERAL DENIAL

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every claim, charge, and allegation contained in the Petition and requests that the Court require Plaintiff to prove his claims by a preponderance of the credible evidence.

II. AFFIRMATIVE DEFENSES

2. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff’s claims are barred, in whole or in part, by reason of Defendant’s compliance with applicable contractual provisions, statutes, regulations, agency interpretations, and other provisions of law.

3. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that any damages suffered by Plaintiff were caused by persons not within the authority, control, or agency of Defendant.

4. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff's claims are barred, in whole or in part, because the sole and/or contributing causes of the damages complained of in the Petition was Plaintiff's own conduct, or the conduct of others, over whom Defendant has no authority or control.

5. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to satisfy conditions precedent to recovery. Specifically, Plaintiff has failed to tender the outstanding balance owed on the loan that is the subject of this action and to satisfy the pre-suit notice requirements contained in the deed of trust securing the loan.

6. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, laches, ratification, unclean hands and/or estoppel.

7. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to make payments as agreed and therefore is in default and breached the agreements that are the subject of this action.

8. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff's claims are barred, in whole or in part, on the grounds that Plaintiff has not sustained any damages proximately caused by Defendant's conduct.

9. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

10. In addition to and/or alternatively, without waiving the foregoing, Defendant asserts that Plaintiff lacks standing to make some or all of the claims asserted in the Petition.

CERTIFICATE OF SERVICE

I certify that a correct copy of the foregoing was filed with the District Clerk's office by operation of the Texas e-filing system and has been forwarded in accordance with the Texas Rules of Civil Procedure on February 17, 2025 as follows:

Via E-file

Erick DeLaRue
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Attorney for Plaintiff

/s/ Thomas W. White, Jr.
THOMAS W. WHITE, JR.

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.

Sherri Johnson on behalf of Thomas White

Bar No. 24102645

sajohnson@mcglinchey.com

Envelope ID: 97439760

Filing Code Description: Answer/ Response / Waiver

Filing Description: Defendant's Original Answer and Affirmative Defenses

Status as of 2/17/2025 12:21 PM CST

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