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United States District Court Southern District of Texas

ENTERED September 09, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

DEUTSCHE BANK NATIONAL TRUST	§	
COMPANY, AS TRUSTEE FOR THE	§	
REGISTERED HOLDERS OF MORGAN	§	
STANLEY ABS CAPITAL I INC. TRUST	§	
2007 NC4 MORTGAGE PASS THROUGH	§	
CERTIFICATES SERIES 2007-NC4,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:24-CV-00127
	§	
ALBERTO G. GUERRA, et al.,	§	
	§	
Defendants.	§	

FINAL DEFAULT JUDGMENT

Upon consideration of the Motion for Entry of Default Judgment against Defendants Alberto G. Guerra and Silvia Guerra, filed by Plaintiff Deutsche Bank National Trust Company, as Trustee for the Registered Holders of Morgan Stanley ABS Capital I Inc. Trust 2007 NC4 Mortgage Pass Through Certificate Series 2007-NC4 ("Plaintiff") [Dkt. No. 11], the Court concludes that Plaintiff has established that it is an aggrieved party and recognizes Plaintiff's election to seek rescission of an erroneous release of lien and declaration that the erroneous release is null and void and that the lien created by the security instrument remains valid, in effect, and enforceable. The Court also concludes that it has jurisdiction over the subject matter and parties to this action; that Defendants Alberto G. Guerra and Silvia A. Guerra, ("Defendants") failed to answer or otherwise defend as provided by the Federal Rules of Civil Procedure following proper service; that the allegations in Plaintiff's Complaint are deemed admitted against Defendants; that Defendants have not tendered payments sufficient to pay off their Texas Home Equity Fixed/Adjustable Rate Note; that a security instrument placed a lien on Defendants' property, which was filed and recorded with the County Clerk for Hidalgo County, Texas under Document No. 2014-2535029; that the beneficiary of the security instrument, Mortgage Electronic Registration Systems, Inc., erroneously executed a release of lien, which was filed and recorded with the County Clerk for Hidalgo County, Texas under Document No. 2015-2584574 ("Erroneous Release"); that no consideration was given in return for the Erroneous Release; that giving effect to the Erroneous Release would unjustly enrich Defendants; and that rescission would not prejudice Defendants.

IT IS THEREFORE ORDERED:

- 1. Judgment by default is hereby entered in favor of Plaintiff and against Defendants.
- 2. The Erroneous Release is null and void.

3. The lien filed and recorded with the County Clerk for Hidalgo, Texas under Document No. 2014-2535029 remains valid, in effect, and enforceable.

4. All writs and process for the enforcement and collection of this Judgment may issue as necessary. In connection with any writ of execution in this case, the Court directs the United States Marshals Service to use any means or force reasonably necessary to satisfy this judgment. This judgment is a final judgment in this case.

SO ORDERED September 9, 2024, at McAllen, Texas.

ND CRALE

Randy Crane Chief United States District Judge