#### **CAUSE NO. 2025-06979**

ROBERT WALSH,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
ν.	§	A
	§	HARRIS COUNTY, TEXAS
SELECT PORTFOLIO SERVICING,	§	
INC. and WILMINGTON SAVINGS	§	
FUND SOCIETY FSB	§	
	§	215th JUDICIAL DISTRICT
Defendants.		

## **OBJECTION TO MOTION FOR TRO**

COMES NOW, Plaintiff, SELECT PORTFOLIO SERVICING, INC. and WILMINGTON SAVINGS FUND SOCIETY FSB, and file this Objection to Plaintiff's Motion for a Temporary Restraining Order and shows the following:

- 1. Plaintiff has filed two previous TROs to delay Defendants from enforcing their contractual rights.
- 2. The first being filed May 2, 2024 under cause No. 2024-28322, which was nonsuited 8 days later on May 10, 2024.
- 3. The second case was filed less than 60 days later on June 25, 2024 under Cause No. 2024-40160. That case was removed to Federal Court and was Dismissed with Prejudice on November 13, 2024. See Exhibit A.
- 4. The Plaintiff's claims that he did not receive notice are false. An Affidavit of Mailing, unclaimed certified mailing card, and tracking information is attached. See Exhibit B.
- The Plaintiff's claims the Defendant does not have standing because and Assignment of Mortgage has not been recorded is false. See Exhibit C.

For these reasons, Defendant requests Plaintiff's Motion for Temporary Restraining Order be denied.

Respectfully submitted,

/s/ M. Nicki Compary

M. Nicki Compary, Esq.

Texas Bar No. 24075205

nicki.compary@decubaslewis.com

Maisyn Oliver, Esq.

Texas. Bar No. 24130719

maisyn.oliver@decubaslewis.com

DE CUBAS & Lewis, P.C.

PO Box 5026

Fort Lauderdale, Florida 33310

Phone: 954) 453-0365

Fax: 469) 518-4972

## CERTIFICATE OF SERVICE

I certify that on February 3, 2025 I served a copy of this pleading to the parties listed below.

**SERVICE LIST** 

DAVID MEDEARIS, <u>dmedearis@medearislaw.com</u>
Attorney for Plaintiff



United States District Court Southern District of Texas

### **ENTERED**

November 13, 2024 Nathan Ochsner, Clerk

## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ROBERT WALSH,

Plaintiff,

V.

CIVIL ACTION NO. H-24/2606

WILMINGTON SAVINGS FUND
SOCIETY, FSB,

Defendant.

ORDER

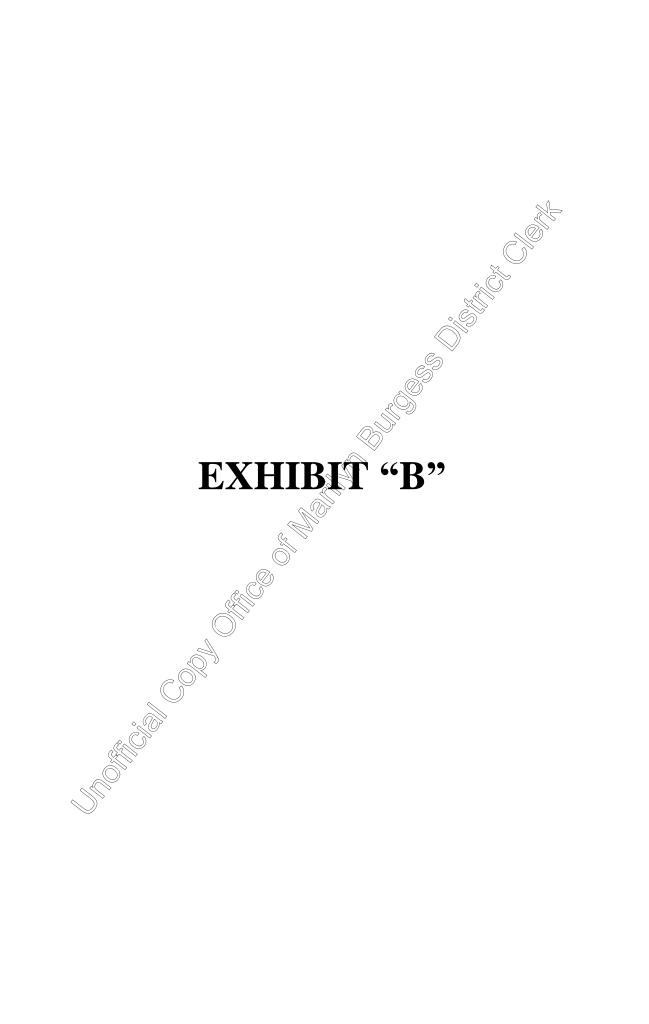
The defendant, Wilmington Savings Fund Society, FSB, filed a motion to dismiss Robert Walsh's complaint with prejudice. (Docket Entry No. 7). At a hearing on November 12, 2024, Mr. Walsh's counsel stated that Mr. Walsh does not oppose Wilmington's motion and asked the court to dismiss Walsh's case with prejudice.

The motion is granted. Mr. Waish's claims are dismissed with prejudice.

SIGNED on November (3),2024, at Houston, Texas.

Lee H. Rosenthal United States District Judge

Lu N. Roser



# **DECLARATION OF MAILING**

## iMailTracking, LLC

9620 Ridgehaven Court, Suite A San Diego, CA 92123

Reference No:	23-00432	
Mailing Number:	0013287-01	
Type of Mailing:	Letter	
l,(	Charlene Broussard	, declare as follows:
		ten of the United States, over the age of eighteen years and a
	-	not a party to the action/matter identified in the document(s)
referenced below.	iviy business address is livia	ilTracking, LLC, 9620 Ridgehaven Ct., Ste. A, San Diego, CA 92123.
At the request of	Do Cubas Lowis & Schur	artz, P.A. on 12/3/2024 deposited in the United States mail a
		rate sealed envelopes, in accordance with the checked mailing
	The state of the s	he address list in Exhibit A which is attached hereto and made
a part hereof.	ow, postage prepaid, to ti	The address list in Exhibit A which is attached hereto and made
a part nereor.		
Г	☐ First Class	
	☐ Certified	
	☐ First Class with Certification	ate of Mailing
	☐ Certified with Return R	((, >) -
		eceipt and Restricted Delivery
	☐ Certified with Electron	
	☐ Registered	)
	☐ Registered Internationa	al
	_ •	
Additional Servic	es provided during the pr	oduction of this mail order (if any):
None		
I declare under p	enalty of perjury under th	ne laws of the State of California that the foregoing is true and
correct.	,CO	
,		
Date and Location	n. 12/3/2024 San Diego,	<u>California</u>
1		

Digital Declaration.doc Rev. 06/09/2020

Charlene Broussard, Mail Production Specialist, iMailTracking, LLC



PO Box 5026, Fort Lauderdale, FL 33310 T 954.453.0365 F 954.771.6052

December 2, 2024

Via Certified Mail

ROBERT WALSH 900 HOUSTON AVE PASADENA, TX 77502

RE: Property Address: 11702 EMPRESS OAKS CT, HOUSTON, TX 77082

Loan #: Our File #: 23-00432

#### NOTICE OF ACCELERATION OF LOAN MATURITY

1. This firm has been retained by Select Portfolio Servicing, Inc. ("Mortgage Servicer"), who is the mortgage servicer for WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE FOR SMC 2022-NQM4 TRUST, A DELAWARE STATUTORY TRUST ("Mortgagee"), who is the mortgage of your loan agreement comprised of a note and lien on the above-referenced Property.

2. Mortgage Servicer is representing Mortgagee under a servicing agreement, which permits Mortgage Servicer to collect the debt evidenced by the note. The address of Mortgagee is:

WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEFOR CSMC 2022-NQM4 TRUST, A DELAWARE STATUTORY TRUST

c/o Select Portfolio Servicing, Inc.

3217 S. Decker Lake Dr. Salt Lake City, UT 84119

3. Notice of default under the terms of the loan agreement and notice of Mortgagee and Mortgage Servicer's intent to accelerate the maturity of the debt if the default was not cured were previously provided. The default has not been cured.

4. Please take notice that the maturity date of the note is accelerated as of the date of this notice, and all unpaid principal, interest, fees, charges and other recoverable amounts, are now due.

5. IN THE EVENT THAT YOU HAVE FILED A PETITION FOR RELIEF IN THE UNITED STATES BANKRUPTCY COURT OR HAVE RECEIVED A DISCHARGE FROM THE BANKRUPTCY COURT, THIS COMMUNICATION SHOULD NOT BE CONSTRUED BY YOU AS A DEMAND FOR THE PAYMENT OF MONEY UNDER THE NOTE AND LIEN REFERRED TO IN PARAGRAPH 1 ABOVE. IF YOU HAVE BEEN DISCHARGED, A DEFICIENCY JUDGMENT WILL NOT BE SOUGHT AGAINST

YOU SHOULD THE PROCEEDS OF ANY FORECLOSURE SALE BE INSUFFICIENT TO PAY THE DEBT IN FULL.

6. Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

Sincerely, Kicki Company Nicki Compary De Cubas & Lewis, P.C.

# NOTICE OF FORECLOSURE SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

<u>Property</u>: The Property to be sold is described as follows:

LOT ONE (1) IN BLOCK ONE (1) OF ROYAL OAKS COUNTRY CLUB SECTION NO. 2 A SUBDIVISION IN HARRIS COUNTRY TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 439069 OF THE MAP RECORDS OF HARRIS COUNTY,

TEXAS.

Security Instrument: Deed of Trust dated March 21, 2022 and recorded on March 25, 2022 at Instrument

Number RP-2022-158875 in the real property records of HARRIS County, Texas, which

contains a power of sale.

Sale Information: February 4, 2025, at 10:00 AM, or not later than three hours thereafter, at THE BAYOU

CITY EVENT CENTER, MAGNOLIA SOUTH BALLROOM, LOCATED AT 9401 KNIGHT RD, HOUSTON, TX 77045 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE. or as designated by the County Commissioners Court.

Terms of Sale: Public auction to highest bidder for cash. In accordance with Texas Property Code

section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the

substitute trustee.

Obligation Secured: The Deed of Trust executed by ROBERT WALSH secures the repayment of a Note dated

March 21, 2022 in the amount of \$1,000,000.00. WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE FOR CSMC 2022-NQM4 TRUST, A DELAWARE STATUTORY TRUST, whose address is c/o Select Portfolio Servicing, Inc., 3217 S. Decker Lake Dr., Salt Lake City, UT \$4119, is the current mortgagee of the Deed of Trust and Note and Select Portfolio Servicing, Inc. is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes

the mortgage servicer to administer the foreclosure on its behalf.

Substitute Trustee: In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute

trustees listed below.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED

# FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

Kicki Compary

De Cubas & Lewis, P.C. Nicki Compary, Attorney at Law PO Box 5026 Fort Lauderdale, FL 33310 Substitute Trustee(s): Carl Meyers, Leb Kemp, Vince Ross, Traci Yeaman, Kelly McDaniel, Israel Curtis, John Sisk, Clay Golden, Stephen Mayers, Colette Mayers, Tim Worstell, Joshua Sanders, Cary Corenblum, Matthew Hansen, Evan Press, Anna Sewart, David Barry, Jeff Leva, Sandy Dasigenis, Lillian Poelker, Patricia Poston, Megan Randle, Ebbie Murphy, Byron Sewart, Keith Wolfshohl, Helen Henderson, David Poston, Megan L. Randle, Nick Frame, Austin DuBois, Cheyanne Troutt, Amar Sood, Dana Dennen, Kinney Lester, Thomas Lester, Ramiro Cuevas, John Burger, Martin Beltran, Wayne Daughtrey, Steve Leva, Wayne Wheat, Wesley Fowler-Williams, Nick Poston, Chris Poston, Nicole Durrett and ServiceLink ASAP employees included but not limited to those listed herein.

c/o De Cubas & Lewis, P.C. PO Box 5026 Fort Lauderdale, FL 33310

Certificate of Posting

I, \_\_\_\_\_\_\_, dectare under penalty of perjury that on the \_\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of HARRIS County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).



PO Box 5026, Fort Lauderdale, FL 33310 T 954.453.0365 F 954.771.6052

December 2, 2024

Via Certified Mail

ROBERT WALSH 11702 EMPRESS OAKS CT HOUSTON, TX 77082

RE: Property Address: 11702 EMPRESS OAKS CT, HOUSTON, TX 77082

Loan #: Our File #: 23-00432

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c/o Select Portfolio Servicing, Inc.

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YOU SHOULD THE PROCEEDS OF ANY FORECLOSURE SALE BE INSUFFICIENT TO PAY THE DEBT IN FULL.

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ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED

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Kicki Compary

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c/o De Cubas & Lewis, P.C. PO Box 5026 Fort Lauderdale, FL 33310

Certificate of Posting

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Postal Class: Certified
Mail Date: 12/03/2024
Type of Mailing: Letter

0

Attachment: 0013287-01 000 1202WEB Miller000510

71969002484089989221 ROBERT WALSH 900 HOUSTON AVE

1 71969002484089989306

11702 EMPRESS OAKS CT HOUSTON, TX 77082 Sender: De Cubas, Lewis & Schwartz, P.A.

5550 Granite Parkway, Suite 245

Plano TX 75024

# MIGEICHNEO

San Diego, CA 92193-3159 P.O. Box 23159

IMPORTANT INFORMATION

ENCLOSED

8930

Reference Number: 23-00432 Order Number: 0013287-01 Mailed On: 12/3/2024

ROBERT WALSH 11702 EMPRESS OAKS CT HOUSTON, TX 77082 Clienth: Miller000510 CE

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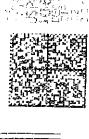
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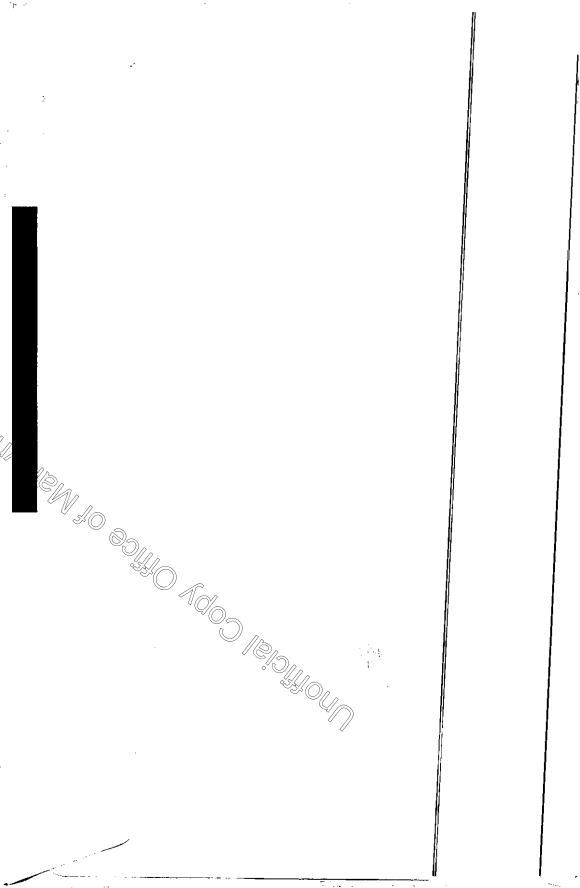












#### Results for Tracking Number 71969002484089989221

iMailTracking Order Information:

Ref No: 23-00432 Mailing No: 0013287-01 Mail Date: 12/3/2024 Mailed To: ROBERT WALSH 900 HOUSTON AVE

PASADENA, TX 77502

No matches found in iMailTracking's Return Mail database

**USPS Tracking Information:** 

Tracking Results for 71969002484089989221

 Your item was delivered to the front desk, reception area, or mail room at 2:01 pm on December 10, 2024 in PASADENA, TX 77502.

- Arrived at USPS Regional Facility
  December 8, 2024, 10:27 pm
  NORTH HOUSTON TX
  DISTRIBUTION CENTER
- In Transit to Next Facility 12/07/2024
- In Transit to Next Facility, 12/06/2024
- In Transit to Next/Facility, 12/05/2024
- In Transit to Next Facility, 12/04/2024
- Arrived at USPS Regional Facility, December 3, 2024, 10:31 pm, SAN DIEGO CODISTRIBUTION CENTER

USPS Tracking: Click on link to display USPS Tracking Information

71969002484089989221

Terms and Conditions

© 2005-2025 iMailTracking LLC, All Rights Reserved 858.375.5875



Recording Requested By: Residential RealEstate Review

When Recorded Return To:

Residential RealEstate Review Collateral Document Services 3217 S. Decker Lake Drive Salt Lake City, UT 84119



#### CORPORATE ASSIGNMENT OF DEED OF TRUST

Harris, Texas

Residential RealEstate Review#: 0031587520, 40001

MIN #:100406900000393461 SIS #: 1-888-679-6377

Date of Assignment: MAR 2 1 2023

Assignor: Mortgage Electronic Registration Systems, Inc. ("MERS") AS BENEFICIARY AS NOMINEE FOR HOMETOWN EQUITY MORTGAGE, LLC, A MISSOURI LIMITED LIABILITY COMPANY, IT'S SUCCESSORS AND ASSIGNS at P.O. Box 2026, FLINT, MI 48501-2026

Assignee: Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Owner Trustee for CSMC 2022-NQM4 Trust, a Delaware statutory trust at C/O SELECT PORTFOLIO SERVICING INC, 3217 S DECKER LAKE DRIVE, SALT LAKE CITY, UT 84119

Executed By: ROBERT WALSH, UNMARRIED MAN To: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE FOR HOMETOWN EQUITY MORTGAGE, LLC. A MISSOURI LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS

Dated: 03-21-2022 Recorded: 03-25-2022 as Instrument No. RP-2022-158875, Book/Reel/Liber N/A, Page/Folio N/A In the County of Harris, State of Texas.

Property Address: 11702 EMPRESS OAKS CT, HOUSTON, JX 77082

KNOW ALL MEN BY THESE PRESENTS, that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Assignor hereby assigns unto the above-named Assignee, the said Deed of Trust having an original principal sum of \$1,000,000 00 with interest, secured thereby, and the full benefit of all the powers and of all the covenants and provisos therein contained, and the said Assignor hereby grants and conveys unto the said Assignee, the Assignor's interest under the Deed of Trust.

TO HAVE AND TO HOLD the said Deed of Trust, and the said property unto the said Assignee forever, subject to the terms contained in said Deed of Trust IN WITNESS WHEREOF, the assignor has executed these presents the day and year first above written:

Mortgage Electronic Registration Systems, Inc. ("MERS") AS BENEFICIARY AS NOMINEE FOR HOMETOWN MORTGAGE, LLC, A MISSOURI LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSISTED NIC. On MAR 2 1 2023

Sherry Mielsen
Assistant Secretary

STATE OF Utah COUNTY OF Salt Lake

MAR 2 1 2023 . before me.

, Vicky Padilla Sherry Nielsen

\_\_, a Notary Public in and for SALT LAKE

WITNESS my hand and official seal

Vicky Padilla

VICKY PADILLA Notary Public State of Utah My Commission Expires on: February 27, 2025 Comm. Number: 716689 RP-2023-110333 # Pages 2 03/30/2023 08:23 AM e-Filed & e-Recorded in the Official Public Records of HARRIS COUNTY TENESHIA HUDSPETH COUNTY CLERK Fees \$18.00

RECORDERS MEMORANDUM This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

COUNTY CLERK HARRIS COUNTY, TEXAS

## **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.

Holly Lawson on behalf of Mary Compary Bar No. 24075205

holly.lawson@decubaslewis.com Envelope ID: 96907883

Filing Code Description: No Fee Documents

Filing Description: OBJECTION TO MOTION FOR TRO

Status as of 2/3/2025 2:21 PM CST

## **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Mindi Campbell		mcampbell@medearislaw.com	2/3/2025 1:00:58 PM	SENT
David Medearis		dmedearis@medearislaw.com	2/3/2025 1:00:58 PM	SENT
Ivanna Cruz		Icruz@medearislaw.com	2/3/2025 1:00:58 PM	SENT