

2023-40897 / Court: 129

CAUSE NO. _____

UPSCALE BUILDERS, INC.
Plaintiff,

v.

PHH MORTGAGE CORPORATION
Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER & ORDER SETTING HEARING
FOR PRELIMINARY INJUNCTION

1. After considering Plaintiff Upscale Builders, Inc.'s Application for Temporary Restraining Order, the pleading, the affidavits, and arguments of Counsel, the court finds there is evidence that harm is imminent to Plaintiff, and if the court does not issue the temporary restraining order, Plaintiff will be irreparably injured because Defendant PHH MORTGAGE CORP. its agents and/or employees will finalize the foreclosure sale of its property and Plaintiff will lose all of its equity in the property and will have no adequate remedy at law to replace this type of loss and the actual property.

An ex parte order without notice to Defendant PHH MORTGAGE CORP, was necessary because there was not enough time to give notice to Defendant, hold a hearing, and issues a restraining order before the irreparable injury, loss or damage occurred because the foreclosure sale is conducted on or after July 5, 2023.

2. THEREFORE, the court
 - a. Restrain Defendant PHH MORTGAGE CORP, and its agents and employees from proceeding with the finalization of the foreclosure sale of Plaintiff's property located at 20518 Quail Chase Dr., Katy, TX 77450 that is scheduled for on or about Wednesday, July 5, 2023.

b. Orders the clerk to issue notice to Defendant PHH MORTGAGE CORP., that the hearing on Plaintiff's Application for Temporary Injunction is set for July 13, 2023 at 1:00 ~~xxx~~/p.m.

c. Sets bond at \$100.00.

This Oder expires on July 17, 2023 at 11:59 ~~xx~~/p.m.

SIGNED on _____, 2023 at _____ a.m./p.m.

Signed:
7/3/2023
1:32 PM

PRESIDING JUDGE

Unofficial Copy Office of Marilyn Burgess District Clerk