

EXHIBIT A

Unofficial Copy Office of Marilyn Burgess District Clerk

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

JAMES PEREIRA,

Plaintiff,

v.

U.S. BANK NA,

Defendant.

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Civil Action No. 4:25-cv-1541

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1332(a) and 1441(b), Defendant U.S. Bank N.A. ("Defendant") files this Notice of Removal and removes this action from the 61st Judicial District of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, and in support thereof respectfully shows the Court as follows:

I. STATE COURT ACTION

1. On March 3, 2025, Plaintiff James Pereira ("Plaintiff") filed this action to enjoin the non-judicial foreclosure sale of the real property commonly known as 910 Vista Bend Drive, Houston, Texas 77073 (the "Property").

2. In the lawsuit, styled *James Pereira v. U.S. Bank N.A.*, Cause No. 2025-14168, in the 61st Judicial District Court of Harris County, Texas (the "State Court Action"), Plaintiff alleges that there is no default sufficient to justify foreclosure and that Defendant breached the terms of the Note and Deed of Trust by continuing with foreclosure despite being made aware of Plaintiff's financial hardships. Based upon these allegations, Plaintiff asserts a cause of action for breach of contract and seeks injunctive relief, unspecified monetary damages, attorneys' fees, and costs of court.

3. Pursuant to 28 U.S.C. §1446(d), this Notice of Removal will be filed with the 61st Judicial District Court of Harris County, Texas, and a copy of this Notice of Removal will also be served on all parties.

4. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders and other papers filed in the 61st Judicial District Court of Harris County, Texas and obtained by Defendant are attached hereto.

5. In support of this removal, as required by Local Rule 81, please find attached as follows:

Exhibit A: Index of Matters Being Filed;

Exhibit B: Civil Cover Sheet;

Exhibit C: State Court Docket Sheet;

Exhibit D: State Court File;

Exhibit E: List of all counsel of record, including addresses, telephone numbers and parties represented; and

Exhibit F: Harris County Appraisal District Valuation for the Property.

II. TIMELINESS OF REMOVAL

6. Defendant has not been served in this action and Plaintiff has not requested service, therefore this removal is timely. 28 U.S.C. § 1446(b)(1).

III. BASIS FOR REMOVAL: DIVERSITY JURISDICTION

7. Defendant removes this lawsuit to this Court based on diversity jurisdiction. The Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) because there is complete diversity of the Parties and the amount in controversy exceeds \$75,000.

A. DIVERSITY OF CITIZENSHIP

8. Removal in this case is proper because this Court has diversity jurisdiction under 28 U.S.C. §1332(a)(1). Where there is complete diversity among parties and the amount in controversy exceeds \$75,000.00, an action may be removed to federal court. This controversy is entirely between citizens of different states as required for diversity jurisdiction under 28 U.S.C. §1332(a)(1), in that every defendant is diverse from Plaintiff.

9. Plaintiff is an individual who resides in Harris County, Texas, and the Property located in Harris County. *See* Plaintiff's Complaint. Plaintiff is an individual, and individuals are citizens of the place in which he/she is domiciled. *Acridge v. Evangelical Lutheran Good Samaritan Soc'y*, 334 F.3d 444, 448 (5th Cir. 2003) (stating that citizenship of a person is based on domicile, i.e., where an individual resides and intends to remain). Per the Complaint, Plaintiff is domiciled in Harris County, Texas and is therefore a Citizen of Texas for diversity purposes. *See*, Plaintiff's Complaint.

10. U U.S. Bank National Association is a national banking association, organized under the laws of the United States of America with its main office in Cincinnati, Ohio. The citizenship of U.S. Bank is determined by the location its main office as set forth in its articles of association. *See* 28 U.S.C. §1348; *Wachovia Bank v. Schmidt*, 546 U.S. 303, 318 (2006). U.S. Bank is headquartered in Ohio. Thus, Defendant is a citizen of Ohio for diversity purposes.

11. Plaintiff is a citizen of the State of Texas and Defendant is a citizen of the State of Ohio. Accordingly, this lawsuit is between citizens of different states and complete diversity exists among the parties. *See* 28 U.S.C. §1332(a)(1).

B. AMOUNT IN CONTROVERSY

12. Although Plaintiff's Complaint does not specifically allege the amount in controversy, it is clear from review of the Complaint and the evidence attached hereto that the amount in controversy exceeds \$75,000.

13. The Complaint seeks injunctive relief from Defendant to prevent foreclosure of the real property subject of this suit. In actions seeking declaratory relief or injunctive relief, the amount in controversy is measured by the value of the object of the litigation. *Leininger v. Leininger*, 705 F.2d 727, 729 (5th Cir. 1983); *Farkas v. GMAC Mortg., L.L.C.*, 737 F.3d 338, 341 (5th Cir. 2013); *Martinez v. BAC Home Loans Servicing, LP*, 777 F. Supp. 2d 1039, 1044 (W.D. Tex. 2010); see also *Hartford Ins. Group v. Lou-Con Inc.*, 293 F.3d 908, 910 (5th Cir.2002) ("The amount in controversy is the value of the right to be protected or the extent of the injury to be prevented.") (quoting *Leininger*, 705 F.2d 727, 729 (5th Cir.1983)). The Fifth Circuit has specifically held that where the object of requested injunctive and declaratory relief was to stop the foreclosure sale of property, the property's value represented the jurisdictional amount in controversy. *Burch v. Freedom Mortg. Corp.*, No. 22-10025, 2023 U.S. App. LEXIS 10700 (5th Cir. 2023)(finding no error in District Court relying on appraisal district valuation of the Property for jurisdictional amount in controversy); see also *Nationstar Mortg. LLC v. Knox*, 351 Fed. Appx. 844, 848 (5th Cir.2009).

14. The most recent tax appraisal for the Property sets the market value of the Property at \$243,394.00.¹ This alone satisfies the \$75,000 requirement. See *Burch*, 2023 U.S. App. LEXIS 10700; also see *Griffin v. HSBC Bank*, 2010 WL 4781297 at *3 (N.D. Tex. Nov. 24, 2010) (considering appraisal district figure as evidence that amount in controversy requirement was met).

¹ See Exhibit E – Harris County Appraisal District valuation for the Property for 2024.

Accordingly, considering the value of the Property, it is apparent on the face of Plaintiff's Complaint that the amount in controversy more likely than not exceeds \$75,000.

15. Because there is complete diversity among the parties, and the amount in controversy exceeds \$75,000, this removal is proper.

IV. VENUE

16. Venue is proper in the United States District Court for the Southern District of Texas, Houston Division, because this district and division includes Harris County, Texas, which is the location of the pending state court action. *See* 28 U.S.C. §§ 1441(a); *see also* 28 U.S.C. § 124(b)(3).

V. CONCLUSION

Defendant U.S. Bank NA removes the State Court Action from the 61st Judicial District of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

By: /s/ Shelley L. Hopkins
Shelley L. Hopkins – *Attorney In Charge*
State Bar No. 24036497
SD ID No. 926469
HOPKINS LAW, PLLC
2802 Flintrock Trc, Suite B103
Austin, Texas 78738
(512) 600-4320
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP - *Of Counsel*
ShelleyH@bdfgroup.com
shelley@hopkinslawtexas.com

Robert D. Forster, II
State Bar No. 24048470
SD ID No. 2647781
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

4004 Belt Line Road, Ste. 100
Addison, Texas 75001
(972) 386-5040
RobertFO@bdfgroup.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and served a true and correct copy to the following pursuant to the Federal Rules of Civil Procedures:

VIA E-MAIL AND REGULAR MAIL:

Gregory T. Van Cleave
THE LAW OFFICE OF
ALBERT W. VAN CLEAVE, III PLLC
1520 W. Hildebrand
San Antonio, Texas 78201
Greg_v@vancleavelegal.com
ATTORNEY FOR PLAINTIFF

/s/ Shelley L. Hopkins
Shelley L. Hopkins

EXHIBIT A

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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JAMES PEREIRA,

Plaintiff,

v.

U.S. BANK NA,

Defendant.

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Civil Action No. 4:25-cv-01541

INDEX OF MATTERS BEING FILED

Pursuant to Local Rule 81 of the Southern District of Texas, Defendant files the following exhibits in support of the Notice of Removal:

Exhibit A: Index of Matters Being Filed;

Exhibit B: Civil Cover Sheet;

Exhibit C: State Court Civil Docket Sheet;

Exhibit D: State Court File;

Exhibit E: List of all counsel of record, including addresses, telephone numbers and parties represented; and

Exhibit F: Harris County Appraisal District Valuation for the Property.

EXHIBIT B

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James Pereira

(b) County of Residence of First Listed Plaintiff Harris
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Gregory T. Van Cleave, The Law Office of Albert W. Van Cleave, III PLLC, 1520 Hildebrand, San Antonio, Texas

DEFENDANTS

U.S. Bank NA

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Shelley L. Hopkins, Hopkins Law, PLLC, 2802 Flintrock Trace, Suite B103, Austin, TX 78738, (512) 600-4320

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§1332(a) and 1441(b)

Brief description of cause:

Plaintiff filed suit to prevent foreclosure claims breach of contract and seeks injunctive relief, monetary damages, attorney fees and costs.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

04/03/2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Shelley L. Hopkins

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

EXHIBIT C

Unofficial Copy Office of Marilyn Burgess District Clerk

HCDistrictclerk.com

PEREIRA, JAMES vs. US BANK N A

4/2/2025

Cause: 202514168

CDI: 7

Court: 061

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SERVICE

No Service found.

NOTICES

No Notices found.

SUMMARY**CASE DETAILS**

File Date 3/3/2025

Case (Cause) Location

Case (Cause) Status Active - Civil

Case (Cause) Type Other Property

Next/Last Setting Date 6/2/2025

Jury Fee Paid Date N/A

CURRENT PRESIDING JUDGE

Court 061st

Address 201 CAROLINE (Floor: 9)
HOUSTON, TX 77002
Phone:8329272625

JudgeName LEE KATHRYN SHUCHART

Court Type Civil

ACTIVE PARTIES

Name	Type	Post Jdgm	Attorney
PEREIRA, JAMES	PLAINTIFF - CIVIL		VAN CLEAVE, GREGORY THOMAS
US BANK N A	DEFENDANT - CIVIL		
5301 SOUTHWEST PARKWAY STE 400, AUSTIN, TX 78735			

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs	Volume /Page	Filing Attorney	Person Filing
3/3/2025	APPEARANCE ON TEMPORARY INJ OR TEMPORARY RESTRAINING ORD			0			
3/3/2025	HEARING HELD FOR ANOTHER COURT			0			
3/3/2025	BENCH HEARING ASSIGNED			0			
3/3/2025	EVIDENCE PRESENTED (BENCH HEARING)			0			
3/3/2025	ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER	3/3/2025		3			
3/3/2025	ORIGINAL PETITION			0		VAN CLEAVE, GREGORY THOMAS	PEREIRA, JAMES
3/3/2025	ORDER SIGNED SETTING HEARING	3/3/2025		3			
3/3/2025	ORDER SETTING BOND SIGNED	3/3/2025		3			

SETTINGS

Date	Court Post Jdgm	Docket Type	Reason	Results	Comments	Requesting Party
3/14/2025 01:30 PM	061	Law Day Docket	TEMPORARY INJUNCTION (MOTION FOR)	Passed	PER GREGORY/PHONE 3.13 @ 10:20AM	
6/02/2025 09:00 AM	061	Trial Coordinators Docket	DISMISS FOR WANT OF PROSECUTION (MOTION TO) (TRCP 165A)			
3/03/2025 12:30 PM	334	Ancillary Docket	TEMPORARY RESTRAINING ORDER (MOTION FOR)	Tried	GRANTED O/S 3/3/2025	VAN CLEAVE, GREGORY THOMAS

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
119778069	NOTICE OF DISPOSITION DEADLINE		04/01/2025	2
119685741	Return: Service of Process		03/18/2025	3
-> 119742394	Envelope		03/18/2025	1
119349284	Clerks Certificate Of Cash Deposit In Lieu Of Injunction Bond Per Order Of The Court		03/04/2025	1
119243027	Original Petition And Application For Temporary Restraining Order		03/03/2025	7
119250545	Proposed Temporary Restraining Order		03/03/2025	3
-> 119250546	Verification and Affidavit		03/03/2025	5
119256614	ORDER SIGNED SETTING HEARING		03/03/2025	3
	ORDER SETTING BOND SIGNED		03/03/2025	
	ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER		03/03/2025	

EXHIBIT D

Unofficial Copy Office of Marilyn Burgess District Clerk

NO. _____

JAMES PEREIRA
PLAINTIFF**V.****US BANK NA**
DEFENDANT§ **IN THE DISTRICT COURT**
§
§
§
§ _____ **JUDICIAL DISTRICT**
§
§
§ **HARRIS COUNTY, TEXAS****ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER**

To the Honorable Judge of the Court:

Plaintiff, **JAMES PEREIRA** (hereinafter referred to as "Plaintiffs"), and files this

ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER against

Defendant #1 **US BANK NA** asserting causes of action for money damages, Breach of Contract, and

Request for injunctive relief, Plaintiff respectfully shows the following:

I. DISCOVERY CONTROL PLAN as well as

TRCP 47 COMPLIANCE STATEMENT

1. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, Plaintiff intends that discovery be conducted under Level Two of the Rule. Pursuant to TRCP 47 plaintiff asserts that: damages sought are within the jurisdictional limits of the court and plaintiff is seeking are \$100,000 or less in economic damages as well as non-monetary relief.

II. PARTIES AND SERVICE

2. Plaintiff **JAMES PEREIRA** is a company doing business in San Antonio, Harris County, Texas, and is the resident of the property at the bar.

3. Defendant **US BANK NA** is a lender doing business in San Antonio, Harris County, Texas. The defendant is available for service of process by and through its registered agent: Registered Agent

Solutions, Inc. at its registered address: Corporate Center One, 5301 Southwest Parkway, Suite 400, Austin, TX 78735.

III. JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this case because the amount in controversy is within this Court's jurisdictional requirements.

5. This court has jurisdiction over the parties and the subject matter of this case, pursuant to TEX. CONST. ART. 5, §8, TEX. CIV. PRAC. & REM. CODE §37.003, and TEX. CIV. PRAC. & REM. CODE, §65.021.

6. Venue for this suit is proper in Harris County because the real property (home and land) concerned in this cause of action is situated in Harris County. TEX. CIV. PRAC. AND REM. Code §15.011.

7. All conditions precedent to bringing this suit have been preformed or have occurred.

Facts

8 Plaintiff a note and deed of trust further secured by a first mortgage lien on the following real property:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas, according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

A true and correct copy of the Deed of Trust is incorporated by reference from the Harris County Deed Records. The Plaintiff is the owner of the Property the subject of the loan. The Property is the

Plaintiff's homestead. The plaintiff has owned the property for quite a while. The plaintiff is a long haul truck driver and has recently changed employment. The plaintiff was in a Chapter 13 bankruptcy. The plaintiff fell out of their bankruptcy due t a problem with a pay order. As a result, the Court eventually dismissed the case.

9. The Plaintiff would like to finalize a loan modification toward that end he has approached a company that will assist him to finalize the loan modification. The company has also agreed to assist him in finding alternate financing if the loan modification does not work out. The plaintiff asserts that he will be ready willing and able to cure her default through the loan modification on a fairly expedited basis;

10. The Property is currently posted for the 4th day of March, 2025, non-judicial foreclosure sale. A copy of the Notice of Substitute Trustee's Sale is attached incorporated by reference from the Harris County Deed Records.

CAUSES OF ACTION

I: REQUEST FOR INJUNCTIVE RELIEF

11. Plaintiff is entitled to the issuance of the Temporary Restraining Order, Temporary Injunction, and Permanent Injunction under TEX. CIV. PRAC. & REM. CODE, §65.011(1), (2), (3) and/or (5). Plaintiff is the owner of the real property, the subject of this suit which is more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

Defendant is the holder of that certain promissory note with a current unpaid balance, payable to the order of Defendant, secured by a Deed of Trust which is secured by a lien against the above-described real property of Plaintiff secured by the above-described real property.

12. Plaintiff further shows that despite the efforts of Plaintiff to sell the property before foreclosure, Defendant has insisted on the foreclosure of the mortgage and will cause the mortgage to be foreclosed by Defendant's agents unless enjoined. There is ample equity in the property.

13. There is no default sufficient to justify foreclosure and any alleged default has been cured or waived through the collection problems endemic to the handling of the mortgage payments in light of the equity. If Defendants are not restrained and enjoined, Plaintiff will suffer irreparable harm. The foreclosure sale will deprive Plaintiff of the usual enjoyment of the property.

14. Plaintiff would further show the Court that there is no remedy at law that is clear and adequate to protect the property interest of Plaintiff against such wrongful foreclosure. This request for injunctive relief is so that justice may be done, and not merely for delay. Plaintiff stands ready to perform such equitable acts as the Court may deem necessary. Because of the acts of Defendants, Plaintiff must proceed into this Court of Equity and seek affirmative relief.

15. Plaintiff would show that immediate and irreparable injury, loss, or damage will result to the Plaintiff before notice can be served upon and a hearing had on this Application for Temporary Restraining Order. Specifically, Plaintiff will lose all equity in and possession of her home unless the court issues a temporary restraining order preventing such act. Such loss will cause terrible and, possibly, irreparable financial harm to Plaintiff. In that regard, a foreclosure sale, the day after this Application is filed; and, if the court does not take action by issuing a temporary restraining order, Plaintiff will lose her home and all equity she acquired in it when she purchased it.

16. Plaintiff prays that the Court enter a temporary restraining order temporarily enjoining and restraining Defendant cry hi, and its attorneys, employees, agents, representatives, and assigns, from doing any of the following:

1. Taking any action to foreclose on the real property, more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

2. To take any other action to enforce the power of sale contained in the Deed of Trust of the above subject property, securing a Notes of even date therewith;
3. Posting the property for foreclosure sale or taking other actions to enforce the Deed of Trust Lien against the property described above; and
4. Taking any other actions to the prejudice of Plaintiff.

II. Breach of Contract

17. Plaintiff incorporates in by reference Paragraphs 1-10 as fully set forth here.

18. The essential elements of a breach of contract claim are: (1) the existence of a valid contract; (2) performance or tendered performance by the Plaintiff; (3) breach of the contract by the Defendant; and (4) damages sustained by the Plaintiff as a result of the breach. *Valero Mktg. & Supply Co. v. Kalama Int'l*, 50 S.W.3d 345, 351 (Tex. App.-Houston [1st] 2001, no pet.).

19. The plaintiff asserts that there is a valid deed of trust which is the contract that manages the relationship of the parties. There is inherently an understanding that there should be good faith and fair dealing between the parties. The lender has been aware of the financial circumstances of the plaintiff and the fact that he has still been harmed by COVID. The employment losses that he suffered. He is substantially behind on his mortgage; But, this default is a direct result of the conduct of the lender that has allowed him to fall into a position where it will be very difficult for them to make this obligation current. The plaintiff was ready with money in hand to continue to make

payments but they refused to take late the payment because they had already been in loan modification status. They like the opportunity to make this obligation right. They are just seeking time toward that end.

XI. PRAYER

20. **WHEREFORE, PREMISES CONSIDERED**, Plaintiff, **JAMES PEREIRA** respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the Court. Accordingly, Plaintiffs respectfully request that Plaintiffs have judgment against Defendants for:

- a. Costs associated with prosecuting this action; and
- b. A Temporary Injunction be issued to Defendant, US BANK NA, restraining US BANK NA, its Agents, Servants, and Employees, from directly or indirectly selling or attempting to sell the property described herein and to further US BANK NA from issuing any letters, notices or any written instrument which would purport to give the right to foreclose on the property under the power of sale contained in the Deed of Trust and further as follows;

1. Taking any action to foreclose on the real property, more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

2. To take any other action to enforce the power of sale contained in the Deed of Trust of the above subject property, securing a Notes of even date therewith;

3. Posting the property for foreclosure sale or taking other actions to enforce the Deed of Trust Lien against the property described above; and
 4. Taking any other actions to the prejudice of Plaintiff, and.
- c. After notice of hearing the Court issue a Temporary Injunction pending the outcome of this case, restraining Defendant's from foreclosing upon the property; and.
 - d. After notice of hearing the Court issue a Permanent Injunction pending the outcome of this case, restraining Defendant's from foreclosing upon the property; and
 - e. Economic damages related to the breach of contract and attorney's fees.

Respectfully Submitted,

THE LAW OFFICE OF
ALBERT W. VAN CLEAVE, III PLLC
1520 W. HILDEBRAND
SAN ANTONIO, TX 78201
(210) 341 - 6588
(210) 701 - 8481 (FACSIMILE)

BY: Gregory T. Van Cleave
Gregory T. Van Cleave
State Bar No. 24037881
Greg_v@vancleavelegal.com
ATTORNEYS FOR PLAINTIFF

202514168

NO. _____

JAMES PEREIRA
PLAINTIFFV.
US BANK NA
DEFENDANT§ IN THE DISTRICT COURT
§
§ 61ST
§ JUDICIAL DISTRICT
§
§
§
§ HARRIS COUNTY, TEXAS**TEMPORARY RESTRAINING ORDER**

On the ____ day of _____, 2025, the application for a Temporary Restraining Order of Plaintiff, JAMES PEREIRA, was presented to the Court, and defendant with knowledge of the setting did not appear.

The Court, having examined the pleadings and allegations of the Plaintiff, finds that Plaintiff's sworn pleadings and allegations show that Plaintiff is the owner of that certain tract of land, being more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

The court further finds that there is a substantial probability that the Defendants would take actions to try to deprive the Plaintiff of his property rights in the above-described property when given the equity there is no default sufficient to justify foreclosure.

Therefore, the Court finds that the following restraining orders are necessary to protect the rights of the Plaintiff in her pursuit of her claims under this lawsuit.

IT IS THEREFORE ORDERED that the clerk of this Court issue temporary ex parte restraining orders as follows, and that the Defendant US BANK NA, is immediately prohibited from doing the following:

1. Taking any action to foreclose on the real property, more particularly described as:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

2. To take any other action to enforce the power of sale contained in the Deed of Trust securing the Note of even date therewith;
3. Posting the property for foreclosure sale or taking other actions to enforce the Deed of Trust Lien against the property described above; and
4. Taking any other actions to the prejudice of Plaintiff.

These temporary ex parte orders shall be effective immediately and binding on the Defendants US BANK NA and continue in full force and effect until a hearing is held on the application of Defendant for a Temporary Injunction which will be held on the _____th day of March, 2025 at 9:00 A. M. in the _____ District Court, at the Harris County Courthouse, San Antonio, Texas or until further order of this Court. The address to the Presiding District Courtroom is the Harris County District Courthouse.

The Court having heard the evidence and having determined that it is appropriate to issue this Temporary Restraining Order and that the Plaintiff should be required to post a bond related thereto.

IT IS THEREFORE ORDERED that Plaintiff JAMES PEREIRA, post a bond payable to Defendants US BANK NA in the sum of _____ Dollars (\$____00.00), conditioned that if, the Plaintiff, will abide the decisions which was made in such cause and they will pay all sums of

monies and costs that may be adjudged against them should the Temporary Restraining Order be dissolved in whole or in part or found to be wrongfully issued.

IT IS FURTHER ORDERED that the clerk shall issue to Defendants an Order to appear before this Court on the date set out above to show cause why, during the pendency of this suit, the Court should not enter orders as follows:

1. Taking any action to foreclose on the real property, more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

2. To take any other action to enforce the power of sale contained in the Deed of Trust of the above subject property, securing a Notes of even date therewith;
3. Posting the property for foreclosure sale or taking other actions to enforce the Deed of Trust Lien against the property described above; and
4. Taking any other actions to the prejudice of Plaintiff.

Signed this _____ day of March, 2025, at ____ A/P. M.

JUDGE PRESIDING

Approved as to Form:

/s/ Gregory T. Van Cleave
Gregory T. Van Cleave
Greg_v@vancleavelegal.com
SBN 24037881
Attorney at Law
1520 W. Hildebrand
San Antonio, TX 78201
210 341-6588 Phone
210 701 - 8481 Fax

NO. 202514168**JAMES PEREIRA**
PLAINTIFF**V.****US BANK NA**
DEFENDANT§ **IN THE DISTRICT COURT**
§
§
§ **61ST JUDICIAL DISTRICT**
§
§
§ **HARRIS COUNTY, TEXAS****State of Texas**§
§
§**County of Harris****VERIFICATION and AFFIDAVIT****i. Verification**

1. My name is James Pereira, and I am seeking an application for Temporary Restraining Order. All of the Statements, Facts, and Circumstances set out in the above Original Petition and Application for Injunctive Relief are within my personal knowledge and are true and correct. I am respectfully requesting that the Temporary Restraining Order be issued.

2. I am requesting injunctive relief on behalf of myself and my family. We feel that the lender has not properly processed the loan and that we will be irreparably harmed in the event that injunctive relief is not granted and the property is foreclosed. The lender has sought to foreclose on my property despite the fact that I just had a temporary problem with making payments. I will be deprived of all my home and the equity that we have finalized related to it. The harm to myself and my family is imminent and material unless the Court intercedes with its equitable powers and stops the lender's pending conduct. We would not have access to adequate relief if this injunctive relief is not granted by this Court.

3. This Motion for Injunctive Relief is sought for the furtherance of justice not merely for delay the purpose of delay.

ii. Affidavit

Before us, the undersigned notary, on this day, personally appeared James Pereira, whose identities is verified through review of the a Texas driver's licenses. After I administered an oath to them, upon their oath, they said:

1. "My name is James Pereira. I am the plaintiff in this case. I have personal knowledge of the facts stated in this affidavit and they are true and correct, and I am over the age of 21 and fully competent to make this affidavit.

2. I own the below described piece of property.

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073


My property is secured by a note and deed of trust. We filed for a chapter 13 bankruptcy in order to preserve our home. I had problems with the chapter 13 bankruptcy because I was unable to get my new employer on board to set up a payment order. As a result they were not pulling my mortgage payment out of my paycheck. I did not realize that this was the case because my paycheck is made to me automatically with withholding and all a bunch of other things withdrawn. Had I known that they were not withdrawing my mortgage out of my check, I would have figured that out and resolved it. When I discovered what had happened I was already many months behind and was unable to find a lump sum sufficient to cure the problem with my bankruptcy. My case was dismissed.

3. I have a problem with what happened because all of this was out of my control. I don't want to lose my house because of a clerical situation. I make plenty of money and work hard. I should be able to resolve this matter.

4. I feel that I will be in a substantially better place now. I have a job with Amazon where I will be happy to find a job where I will be taking things from basically Oklahoma City to Houston several times a week. They are a stable payer and I have heard good things from my colleagues in the industry. With this change of circumstances I feel very confident that I will be able to secure my position in this property.

5. I fully understand that I am behind on my mortgage and there are consequences to being behind. I would like the opportunity to make this matter right with the lender. If given time, I will be able to rectify the situation- I have no other choice. Because of this, I have been visiting with my family and we were able to find a buyer that will help us by buying the property and giving us some help. I would just like this one opportunity to make this matter right to the bank so that I can protect my equity in my home and provide a better life to my family.

6. Affiant sayeth further not."

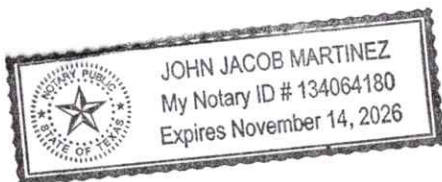

ID 51mvBTYKAFvdcWvz1rYrtpY

James Pereira, Affiant

State of Texas
County of Harris

Sworn to and subscribed before me on this 3 day of MARCH, 2025, by James Pereira.


Notary Public, State of Texas



Unofficial Copy Office of Notary Public Burgess District Court

eSignature Details

Signer ID:	51rnyBtYKAFvdcWvz1rYrtpY
Signed by:	JAMES PEREIRA
Sent to email:	jamespereira14@gmail.com
IP Address:	98.57.222.90
Signed at:	Mar 3 2025, 12:25 pm CST

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.

Greg Van Cleave on behalf of Gregory Van Cleave

Bar No. 24037881

greg_v@vancleavelegal.com

Envelope ID: 97986138

Filing Code Description: No Fee Documents

Filing Description: AFFIDAVIT AND VERIFICATION _ 202514168

Status as of 3/3/2025 12:49 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Greg Van Cleave		greg_v@vancleavelegal.com	3/3/2025 12:38:10 PM	SENT

202514168

NO. _____

JAMES PEREIRA
PLAINTIFF

§ IN THE DISTRICT COURT

§

§ 61ST JUDICIAL DISTRICT

§

V.

§

US BANK NA
DEFENDANT

§

§ HARRIS COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On the ____ day of _____, 2025, the application for a Temporary Restraining Order of Plaintiff, JAMES PEREIRA, was presented to the Court, and defendant with knowledge of the setting did not appear.

The Court, having examined the pleadings and allegations of the Plaintiff, finds that Plaintiff's sworn pleadings and allegations show that Plaintiff is the owner of that certain tract of land, being more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

The court further finds that there is a substantial probability that the Defendants would take actions to try to deprive the Plaintiff of his property rights in the above-described property when given the equity there is no default sufficient to justify foreclosure.

Therefore, the Court finds that the following restraining orders are necessary to protect the rights of the Plaintiff in her pursuit of her claims under this lawsuit.

IT IS THEREFORE ORDERED that the clerk of this Court issue temporary ex parte restraining orders as follows, and that the Defendant US BANK NA, is immediately prohibited from doing the following:

1. Taking any action to foreclose on the real property, more particularly described as:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77073

2. To take any other action to enforce the power of sale contained in the Deed of Trust securing the Note of even date therewith;
3. Posting the property for foreclosure sale or taking other actions to enforce the Deed of Trust Lien against the property described above; and
4. Taking any other actions to the prejudice of Plaintiff.

These temporary ex parte orders shall be effective immediately and binding on the Defendants US BANK NA and continue in full force and effect until a hearing is held on the application of Defendant for a Temporary Injunction which will be held on the 14th day of March, 2025 at 1:30~~9:00~~ A. M. in the 61st District Court, at the Harris County Courthouse, San Antonio, Texas or until further order of this Court. The address to the Presiding District Courtroom is the Harris County District Courthouse.

The Court having heard the evidence and having determined that it is appropriate to issue this Temporary Restraining Order and that the Plaintiff should be required to post a bond related thereto.

IT IS THEREFORE ORDERED that Plaintiff JAMES PEREIRA, post a bond payable to Defendants US BANK NA in the sum of \$250.00 Dollars (\$00.00), conditioned that if, the Plaintiff, will abide the decisions which was made in such cause and they will pay all sums of

monies and costs that may be adjudged against them should the Temporary Restraining Order be dissolved in whole or in part or found to be wrongfully issued.

IT IS FURTHER ORDERED that the clerk shall issue to Defendants an Order to appear before this Court on the date set out above to show cause why, during the pendency of this suit, the Court should not enter orders as follows:

1. Taking any action to foreclose on the real property, more particularly described as follows:

Said Real Estate is described as follows:

Lot 23, Block 3, Northview Park, Section Four Subdivision, Situated in Harris County, Texas according to the plat thereof recorded at File Code No. 516034 of the Map Records of Harris County, Texas

COMMONLY KNOWN AS:

910 Vista Bend Dr
Houston Tx 77078

2. To take any other action to enforce the power of sale contained in the Deed of Trust of the above subject property, securing a Notes of even date therewith;
3. Posting the property for foreclosure sale or taking other actions to enforce the Deed of Trust Lien against the property described above; and
4. Taking any other actions to the prejudice of Plaintiff.

Signed this _____ day of March, 2025, at _____ A/P. M.
Signed:
3/3/2025



JUDGE PRESIDING

Approved as to Form:

/s/ Gregory T. Van Cleave
Gregory T. Van Cleave
Greg_v@vancleavelegal.com
SBN 24037881
Attorney at Law
1520 W. Hildebrand
San Antonio, TX 78201
210 341-6588 Phone
210 701 - 8481 Fax

CAUSE NUMBER 2025 14168JAMES PEREIRA
PETITIONER

§ IN THE DISTRICT COURT OF

§ HARRIS COUNTY, TEXAS

US BANK NA
RESPONDENT§ 61st JUDICIAL DISTRICTCLERK'S CERTIFICATE OF CASH DEPOSIT IN LIEU
OF INJUNCTION BOND PER ORDER OF THE COURTTHE STATE OF TEXAS §
COUNTY OF HARRIS §

THIS DOCUMENT IS TO CERTIFY that I, the undersigned Clerk of the District Courts of Harris County, Texas have received a cash deposit, as ordered by the Court, in the amount of 250 Two Hundred Fifty Dollars (\$ 250.00), to be deposited with the Registry of the Court in lieu of a Temporary Restraining Order Bond or a Temporary Injunction Bond, as required by Rule 684, T.R.C.P., in the above styled and numbered cause as provided by the order entered on the 3rd day of MARCH, 2025.

This cash deposit is made and received in lieu of TEMPORARY RESTRAINING ORDER or TEMPORARY INJUNCTION, conditioned that the applicant will abide the decision which may be made in the cause, and that he will pay all sums of money and costs that may be adjudged against him if the restraining order or temporary injunction shall be dissolved in whole or in part, and this certificate is issued to have the force and effect of a TEMPORARY RESTRAINING ORDER BOND OR A TEMPORARY INJUNCTION BOND in accordance with the Order of the Court.

WITNESS my hand and seal of office this 4th day of March A.D., 20 25.

FILED
Marilyn Burgess
District Clerk

MAR 04 2025

Time: 9:00am
By: D. Denmon
Deputy

Chris Daniel, District Clerk
Harris County, Texas
Po Box 4651
Houston, Texas 77210-4651

By: [Signature]
Deputy District Clerk

Principal: JAMES PEREIRAAttorney: GREGORY T VANCEBar Number: 24037881

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

2025-141168
6134

2025-141168

P. 3



**REGISTERED AGENT
SOLUTIONS INC**
A LEXITAS COMPANY

03/13/2025

RETURN: Service of Process

Sender Information:

MARILYN BURGESS
HARRIS COUNTY DISTRICT CLERK
201 CAROLINE P.O. BOX 4651
HOUSTON, TEXAS 77210-4651

FILED BY
MARILYN BURGESS
HARRIS COUNTY CLERK
2025 MAR 18 AM 8:40
3-18-25

Service of Process State: TEXAS
Date Received: 03/13/2025
Entity: US BANK N A

On the above listed date, our office received a Service of Process from you on behalf of a defendant/respondent listed above.

We cannot receive this Service of Process as registered agent and are therefore rejecting and returning the documents received due to the following reason(s):

~~Registered Agent Solutions, Inc. is not the current agent according to the service jurisdiction's Secretary of State.~~



The entity has been dissolved, withdrawn, or otherwise removed in total in the jurisdiction and can no longer receive service.



The service jurisdiction's Secretary of State has no records of this entity existing.



The entity does not have a current address or valid point of contact.



Registered Agent Solutions is in the process of resigning as agent in the service jurisdiction.



Other:



Registered Agent Solutions, Inc.
5301 Southwest Pkwy., Suite 400, Austin, TX 78735
888-705-7274

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

TEXAS SECRETARY of STATE

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 34425 Entity Type: Foreign Corporate Fiduciary
Original Date of Filing: May 11, 1994 Entity Status: In existence
Formation Date: N/A
Tax ID: FEIN:

Name: U.S. Bank National Association
Address: 425 WALNUT STREET
Cincinnati, OH 45202 [COUNTRY NOT PROVIDED]
Fictitious Name: N/A
Jurisdiction: USA
Foreign Formation Date: N/A

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES	INITIAL ADDRESS
Name	Address				Inactive Date	
C T Corporation System	1999 Bryan St., Ste. 900 Dallas, TX 75201-3136 USA					

Order Return to Search

Instructions:

- To place an order for additional information about a filing press the 'Order' button.



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

US BANK N A
5301 SOUTHWEST PARKWAY STE 400
AUSTIN, TX 78735

CASE 202514168 CRT 061 BE ADVISED ON 03/03/2025 THE FOLLOWING ACTIVITY OCCURED.

PEREIRA, JAMES VS. US BANK N A
ORDER SETTING BOND SIGNED

CASE 202514168 CRT 061 BE ADVISED ON 03/03/2025 THE FOLLOWING ACTIVITY OCCURED.

PEREIRA, JAMES VS. US BANK N A
ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER

CASE 202514168 CRT 061 BE ADVISED ON 03/03/2025 THE FOLLOWING ACTIVITY OCCURED.

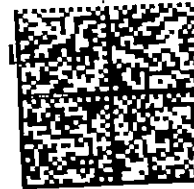
PEREIRA, JAMES VS. US BANK N A
ORDER SIGNED SETTING HEARING

Unofficial Copy Office of Marilyn Burgess District Clerk



REGISTERED AGENT SOLUTIONS, INC.
CORPORATE CENTER ONE
5301 SOUTHWEST PKWY., STE. 400
AUSTIN, TX 78735

AUSTIN TX 786
14 MAR 2025PM 3



quadiant
FIRST-CLASS MAIL
IMI
\$000.69⁰
03/13/2025 ZIP 78735
043M31229999

US POSTAGE

FBI-D
MARILYN BURGESS
DISTRICT CLERK
TEXAS

2025 MAR 18 AM 8:40

77210-485151



Dist. Clerk

Case No. 202514168

PEREIRA, JAMES

vs.

US BANK N A

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*
*
*
*

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
61st JUDICIAL DISTRICT

NOTICE OF DISPOSITION DEADLINE

To All Counsel and Pro Se Parties:

Please be advised that the disposition deadline for this case is **06-02-2025**.

If you have not set and had this matter heard before the disposition deadline this case will be DISMISSED FOR WANT OF PROSECUTION on that date without further notice. Hearing dates may be obtained from the court coordinator, JONATHAN PATTON.

If you have any questions regarding this notice, please contact the court coordinator, JONATHAN PATTON at (832) 927-2626.

Thank you for your prompt attention to this matter.

LEE KATHRYN SHUCHART
JUDGE, 61ST DISTRICT COURT
Generated on: 4/1/2025

Case No. 202514168

PEREIRA, JAMES

vs.

US BANK N A

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
61st JUDICIAL DISTRICT

NOTICE OF DISPOSITION DEADLINE

To All Counsel and Pro Se Parties:

Please be advised that the disposition deadline for this case is **06-02-2025**.

If you have not set and had this matter heard before the disposition deadline this case will be DISMISSED FOR WANT OF PROSECUTION on that date without further notice. Hearing dates may be obtained from the court coordinator, JONATHAN PATTON.

If you have any questions regarding this notice, please contact the court coordinator, JONATHAN PATTON at (832) 927-2626.

Thank you for your prompt attention to this matter.

LEE KATHRYN SHUCHART
JUDGE, 61ST DISTRICT COURT
Generated on: 4/1/2025

GREGORY THOMAS VAN CLEAVE
1520 W. HILDEBRAND
SAN ANTONIO, TX 78201

24037881

EXHIBIT E

Unofficial Copy Office of Marilyn Burgess District Clerk

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

JAMES PEREIRA,

Plaintiff,

v.

U.S. BANK NA,

Defendant.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:25-cv-01541

LIST OF ALL PARTIES / COUNSEL OF RECORD

Pursuant to Local Rule 81 of the Southern District of Texas, Defendant presents the following list of all parties and counsel of record in this matter:

ATTORNEYS FOR PLAINTIFF JAMES PEREIRA:

Gregory T. Van Cleave
State Bar No. 24037881
THE LAW OFFICE OF
ALBERT W. VAN CLEAVE, III, PLLC
1520 W. Hildebrand
San Antonio, Texas 78201
Tel: (210) 341-8588
Fax: (210) 701-8481
Greg_v@vancleavelegal.com

ATTORNEYS FOR DEFENDANT U.S. BANK N.A.:

Shelley L. Hopkins, *Attorney in Charge*
State Bar No. 24036497
SD ID No. 926469
HOPKINS LAW, PLLC
2802 Flintrock Trace, Suite B103
Austin, Texas 78738
Tel: (512) 600-4320
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP - *Of Counsel*
ShelleyH@bdfgroup.com
shelley@hopkinslawtexas.com

Robert D. Forster, II
State Bar No. 24048470

SD ID No. 2647781
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP
4004 Belt Line Road, Ste. 100
Addison, Texas 75001
(972) 386-5040
RobertFO@bdfgroup.com

Unofficial Copy Office of Marilyn Burgess District Clerk

EXHIBIT F

Unofficial Copy Office of Marilyn Burgess District Clerk

910 VISTA BEND DR

HOUSTON, TX 77073

Residential

Account: 1230150030023

Name: PEREIRA JAMES L

Mailing Address: 910 VISTA BEND DR HOUSTON, TX 77073-5492

2044

Valuation History

Valuations

Certified

Land: \$41,869

Improvement: \$201,525

Market: \$243,394

Appraised: \$243,394

File a protest

Value Notice

Compare Valuations

Jurisdictions/Exemptions				
District	Jurisdictions	Exemption Value	2023 Rate	2024 Rate
024	SPRING ISD		1.109200	1.106900
040	HARRIS COUNTY		0.350070	0.385290
041	HARRIS CO FLOOD CNTRL		0.031050	0.048970
042	PORT OF HOUSTON AUTHY		0.005740	0.006150
043	HARRIS CO HOSP DIST		0.143430	0.163480
044	HARRIS CO EDUC DEPT		0.004800	0.004799
045	LONE STAR COLLEGE SYS		0.107600	0.107600
454	HC MUD 154		0.550000	0.550000
637	HC EMERG SRV DIST 28		0.094377	0.098097
666	HC EMERG SERV DIST 11		0.030175	0.038294
Exemption Type : None				

Property Details

Legal Description

LT 23 BLK 3 NORTHVIEW PARK SEC 4

Land

5,775 SF

Living Area

2,094 SF

Fiduciary

None

Status

Notice Sent on: Apr 19, 2024

Deadline to file a protest: May 20, 2024

ARB Status: Certified

Location						
State Class Code	Neighborhood	Neighborhood Name	Market Area	Map Facet	Key Map	Neighborhood Group
A1 -- Real, Residential, Single-Family	2242.06	NORTHVIEW PARK SEC 4	382 -- ISD 24 - South of FM 1960	5267B	332V	24023

Additional Links

Property Tax Database

Same Street Name

Property Owners Website

Land Details											
Line	Land Use	Unit type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
Market Value Land											
1	1001 -- Res Improved Table Value SF1 -- Primary SF	SF	5,775	1.00	1.00	1.00	--	1.00	07	7.25	41,869.00

Ownership History	
Owner	Effective Date
PEREIRA JAMES L	12/19/2003

Building Summary						
Building	Year Build	Type	Style	Quality	Impr Sq Ft	
<div><div></div><div>+</div></div> 1	2003	Residential Single Family	101 Residential 1 Family	Average	2,094	