

202476386

**FILED**

Marilyn Burgess  
District Clerk

MAY - 9 2025

Time: 10:40 A.M.

Harris County, Texas

By Jessica Pannell  
Deputy

IN THE 333 JUDICIAL DISTRICT COURT

IN AND FOR HARRIS COUNTY, TEXAS

CAUSE NO. 202476386

LARRY PRESTON

Vs.

PHH MORTGAGE ET AL.,

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DECLARATION OF PLAINTIFF LARRY PRESTON IN SUPPORT OF PLAINTIFF'S  
RESPONSE TO DEFENDANTS' COUNTERCLAIM, REQUEST TO QUASH SERVICE,  
MOTION TO STRIKE DEFENDANTS' COUNTERCLAIM, AND DEMAND FOR PROOF  
OF AUTHORITY TO LITIGATE

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I, LARRY PRESTON, declare under penalty of perjury as follows:

1. My name is Larry Preston, and I am the Plaintiff in the above-captioned case. I am of sound mind, over the age of eighteen (18), and fully competent to make this declaration.
2. I am a disabled, elderly veteran protected under the Texas Constitution and the Americans with Disabilities Act (ADA), and I am the lawful owner and occupant of the real property at 5907 LANGLEY STREET, HOUSTON TEXAS, the property at issue in this litigation.
3. I have personal knowledge of the facts stated herein, and if called as a witness, I would and could competently testify to the truth of the matters set forth below.

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

## FACTUAL STATEMENTS IN SUPPORT OF MOTION

4. **Failure to Properly Serve Plaintiff:** Defendants failed to serve me in compliance with Texas Rule of Civil Procedure 21 a(a)(1), which requires service by certified mail, personal Service,
5. or electronic service with prior written consent. I Larry Preston don't consent to electronic service for any legal or official correspondence. Due to Status as disabled elderly Vetan. I do not regularly access electronic communications. I request that all Official documents, notices, and communications be sent Via Traditional mail to ensure Proper Receipt and Review, and Defendants failed to service me by certified mail
6. **Defendants' Counterclaim is Untimely:** I properly served Defendants with my initial Complaint on or about November 20 ,2024. Under Texas Rule of Civil Procedure 99 (b),
7. Defendants were required to answer no later than December20, 2024. However, they did not file an answer until February 12, 2025, making their response legally defective and untimely,
8. **Defendants' Attorneys Lack Proper Authority:** I formally challenge the attorneys Representing Defendants under Texas Rule of Civil Procedure 12, which mandates that an attorney show proof of authority to act on behalf of a party. I have not received evidence proving that Defendants' attorneys are legally authorized to enforce any claim on the property in question.
9. **Defendants' Claims Are Time-Barred:** Defendants assert a debt claim that originated in 1998, the same year the deed of trust was executed. Under Texas Civil Practice and
10. Remedies Code 16,004, the statute of limitations for enforcing a debt is four (4) years.

Defendants have failed to act within this time period, making their claims unenforceable and time-barred.

11. Fraud Upon the Court: I further assert that Defendants, their attorneys, and their agents have engaged in fraud upon the court by filing false, misleading, and untimely claims to unjustly seize my homestead. As the rightful homeowner, I demand equitable relief and judicial protection from this unlawful harassment.

Request for Additional Information: Defendants must provide:

12. All tranches in which my promissory note is currently held.

A detailed explanation of the endorsements and assignments on my security documents.

13. Evidence showing that PHH Mortgage or its agents have any legal right to enforce a claim on my homestead.

14. A sworn affidavit proving Defendants' attorneys' authority to litigate this matter.

#### REQUEST FOR RELIEF

I respectfully request that this Honorable Court:

1. Quash service of Defendants' Counterclaim due to improper service.
2. Strike Defendants' Counterclaim in its entirety as an untimely answer.
3. Compel all attorneys to prove their legal authority to litigate this matter or be removed from the record.

4. Declare all claims against my homestead time-barred under Texas law.
5. Permanently enjoin Defendants and their attorneys from filing further fraudulent lawsuits against me.
6. Order Defendants to return my original promissory note and cease collection efforts.
7. Grant any additional relief that this Court deems just and equitable.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND THE

STATE OF TEXAS THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on this \_\_\_\_\_ in, Texas.

\_\_\_\_\_  
Larry Preston

I swear and affirm that the facts contained in this Affidavit are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Signed on this the [date] day of [month], 2025.

9th of May, 2025

[Signature of Affiant]

Larry Preston

Plaintiff

*[Handwritten Signature]*

SWORN TO AND SUBSCRIBED before me on this the [date] day of [month], 2025.

[Notary]

[Date]

*[Handwritten Signature]*

05-09-25

Notary Public, State of Texas

My Commission Expires: December 5, 2026

Notary Seal

