

COPY

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
171ST JUDICIAL DISTRICT

BEATRIZ HUML, "John Doe(s)" and "Jane
Doe(s)", Joey Rodriguez, Christopher
Valdez, Eneida Valdez, Joe Bruscuclas, Yvette
Bruscuclas

vs

Cause No. 2011-DCV10814

Federal Home Loan Mortgage Co., Merscorp,
Inc., Mortgage Electronic Registraton Systems,
Inc., Federal National Mortgage
Association, BAC HOME LOAN SERVICING
LP, The Bank of New York Mellon

ORDER OF COURT SETTING

The above referenced case is set as follows:

<u>Hearing Type</u>	<u>Hearing Date</u>	<u>Hearing Time</u>
Motion Hearing	04/25/2012	9:00 AM
Scheduling Conference	04/25/2012	1:30 PM
Pre-Trial hearing	10/18/2012	2:00 PM
Jury Trial	10/22/2012	9:00 AM

If the above referenced case has already been settled, tried or dismissed, please notify my Court Coordinator (Ruby Zuniga: (915) 546-2100) upon receipt of this order.

Signed and entered on this the 19th day of April, 2012.



Bonnie Rangel
Judge
171st Judicial District Court

Fax: Richard Roman
Chris Pochyla

915-351-6754
972-341-0734

Please give notice to all concerned parties

BEA HUML, INDIVIDUALLY, JOEY RODRIGUEZ, INDIVIDUALLY, CHRISTOPHER LEE VALDEZ AND WIFE ENEIDA VALDEZ INDIVIDUALLY AND JOINTLY, JOE BRUSCUELAS AND WIFE YVETTE BRUSCUELAS, INDIVIDUALLY AND JOINTLY, MARIBEL VILLALOBOS INDIVIDUALLY, AND ELENA ESCOBEDO, INDIVIDUALLY, & "JOHN DOE (s)" AND "JANE DOE (s)" (BY AND ON BEHALF KNOWN AND UNKNOWN PARTIES)

CAUSE NUMBER 2011-DCV-10814

IN 171ST DISTRICT COURT, EL PASO COUNTY, TEXAS

PLAINTIFFS,

VS.

FEDERAL NATIONAL MORTGAGE ASSOCIATION; MERSCORP, INC.; MORTGAGE ELECTRONIC REGISTRATON SYSTEMS, INC; BAC HOME LOAN SERVICING, LP.; THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK CWABS, INC., (ASSETT-BACKED SECURITIES, SERIES 2007-9).

DEFENDANTS.

FILED
NORMA FAVELA
DISTRICT CLERK
2012 APR 19 PM 4 58
EL PASO COUNTY, TEXAS
BY _____
DEPUTY

ORDER

CAME ON THIS DAY the motion hereinabove.

I.

Relative to the foregoing motion, counsel for plaintiffs was present and announced "ready".

R. Dwayne Danner, Esq., of McGlinchely & Stafford, for defendants Federal National Mortgage Association, and MERSCORP, Inc. and Mortgage Electronic Registration Systems, Inc., failed to appear though a "General Denial" is on file with the court and despite being provided notice of setting (see Exhibit "A"). Chris Pochyla, Esq., of Barret, Daffin has also previously filed an answer in this matter and did not appear (Exhibit "B"). As per the Texas Rules of Civil Procedure the court determined these

parties are "indispensible parties".

Citations on the other newly-added defendants, BAC HOME LOAN SERVICING, LP. and THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK CWABS, INC., (ASSETT-BACKED SECURITIES, SERIES 2007-9) though filed have not yet been served. Nevertheless, these parties were all provided notice via fax and electronic transmission (see Exhibit "C").

II.

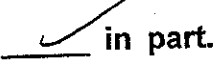
The court announced the case. In "open court" **all defendants** including Federal National Mortgage Association, MERSCORP, Inc. and Mortgage Electronic Registration Systems, Inc. were "hailed 3 times" without response. The court then defined the scope of the hearing as "specific to the need for immediate relief". Though the respondents did not appear, the court commenced a full evidentiary hearing. The court took sworn witness testimony, received evidence and admitted into evidence plaintiff's counsel's power point presentation regarding the "robosigning" of foreclosure/ mortgage-related documents central to this dispute.

III.

At the conclusion of the evidence, the court found that, under TRCP Rules 681-693 inclusive, plaintiffs affirmatively satisfied the necessary burden of proof with competent evidence for the relief sought.

IV.

WHEREFORE, at the conclusion of this hearing the court hereby makes the following orders:

This Motion is: **GRANTED**  in part. More specifically the court issues temporary orders pending the conclusion of the Temporary Injunction Hearing.

Said Temporary Order are considered "interim Orders" effective immediately granting immediate injunctive relief, as follows:

1. Plaintiff Maribel Alvarez (and husband Marcos Villalobos) are hereby allowed immediate reentry into their home located at 11864 Jim Webb, El Paso, Texas 79924; further, any and all present foreclosure activity on the part of the Fannie Mae and MERS "cease" in this matter and the "status quo" maintained until the claims in this cause are disposed of with finality (Exhibit "D");

2. Similarly, with respect to the other named plaintiffs in the instant matter, any and all present foreclosure activity on the part of the defendants "cease" and be maintained "status quo" until their claims in this cause are disposed of with finality;

3. An award of \$15,000.00 in interim attorney fees payable by defendants MERSCORP, Inc., Mortgage Electronic Registration Systems, Inc., and/or Fannie Mae to Richard A. Roman, Esq., 505 East Rio Grande, El Paso, Texas 79902 on or before April 25, 2012.

IT IS HEREBY FURTHER ORDERED:

4. That this matter is set for a hearing, more specifically a continuation of the Temporary Injunction hearing, on April 25, 2012 @ 1:30 p.m. All counsel should be present (Exhibit "E");

5. At that time the court will hear testimony regarding the injunctive relief sought to abate all foreclosure filings by these named defendants including any instruments/ documents in the deed records of El Paso County, Texas (and others) identifying MERS or any other person or entity as a "mortgagee" or "beneficiary" of any mortgage in which such person or entity does not have a beneficial interest or other legally sufficient interest;

6. At the hearing the defendants shall produce the following individuals by and through the entities for which they execute foreclosure/mortgage-related documents:

(1) Beverly Mitrisin

(2) Chester Levings

(3) Cecilia Rodriguez

The bond amount set to perfect this order is set at \$100.00 or ~~_____~~.

2012.

SO ORDERED, SIGNED and ENTERED this 19 day of April



Honorable Judge Rangel Presiding

Exhibit A



MEMORANDUM OF TRANSMITTAL

April 13, 2012

TO: Richard A. Roman
Fax Number 915.351.6754

FROM: R. Dwayne Danner

RE: Cause No. 2011-DCV-10814; *Bea Huml, et al. v. Federal National Mortgage Association, et al.* In the 171st Judicial District Court, El Paso County, Texas

MESSAGES, NOTES, COMMENTS:
Please see attached: Defendants' Answer

NO. OF PAGES: 5 (Including Cover)

A

IF YOU EXPERIENCE DIFFICULTIES IN TRANSMISSION, OR DO NOT RECEIVE ALL PAGES INDICATED, PLEASE CONTACT ANGELIA FOSTER AT 214.445.2428.

Confidentiality Statement

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone and return the original message to us at the below address via the United States Postal Service.

eFiling Detail

Attorney & Filer Information

Filer Name: R. Dwayne Danner
Filer ID: ddanner20021
Filer Email: ddanner@mcglinchey.com
Filer Position:

Attorney Name: R. Dwayne Danner
Attorney Email: ddanner@mcglinchey.com
Bar Number: 00792443
Law Firm: McGlinchey Stafford
Address: 2711 N HASKELL AVE STE 2700
City/State/Zip: DALLAS, TX 75204
Phone: 214-257-1842
Fax: 214-257-1818

Filing Documents

Document	Filename	Download
Lead Document	Answer.pdf	
Document Type: Answer		

Filing Information

Trace Number: ED071J016829245
Case Title: Huml et al v. Federal National Mortgage Assoc et al
Case Number: 2011-DCV-10814
Jurisdiction: El Paso District and County Courts
Court: 171st District Court
Court Type: District
Message to the Clerk:

Fees

EPM	
Texas.gov Administration Fee	\$4.09
EPM Total	\$4.09
El Paso District and County Courts	
Answer	\$0.00
El Paso District and County Courts Total	\$0.00

CAUSE NO. 2011-DCV-10814

BEA HUML, JOEY RODRIGUEZ,
AND JOHN DOE(S) AND JANE
DOE(S),

Plaintiffs,

VS.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, MERSCORP, INC.,
AND MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Defendants.

IN THE DISTRICT COURT

OF EL PASO COUNTY, TEXAS

171ST JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER

COMES NOW, Federal National Mortgage Association, MERSCORP, Inc. and Mortgage Electronic Registration Systems, Inc. ("Defendants"), named defendants in the above-styled and numbered cause, and files this their Original Answer to Plaintiffs Bea Huml and Joey Rodriguez's ("Plaintiffs") Second Amended Petition ("Petition"), and for such answer would respectfully show the Court as follows:

I. GENERAL DENIAL

1. Defendants generally deny each and every claim, charge, and allegation asserted by the Plaintiffs in their Petition as provided by Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE. Defendants request that the Court require Plaintiffs to prove their respective claims by the preponderance of the credible evidence as required by the laws and the Constitution of the State of Texas.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants pray that upon a final hearing hereof Plaintiffs take nothing by this suit and that judgment be entered in favor of

Defendants, having all their costs of suit in this behalf expended, and for all such other and further relief, both at law and in equity, general and specific, to which Defendants may show themselves justly entitled.

Respectfully submitted,

McGlinchey Stafford PLLC

By: /s/ R. Dwayne Danner

R. DWAYNE DANNER

State Bar No. 00792443

Direct: 214.445.2408

ddanner@mcglinchey.com

NATHAN T. ANDERSON

State Bar No. 24050012

Direct: 214.445.2412

nanderson@mcglinchey.com

2711 N. Haskell Avenue,

Suite 2750, LB 25

Dallas, Texas 75204

Telephone: (214) 445.2445

Facsimile: (214) 445.2450

ATTORNEYS FOR DEFENDANTS
FEDERAL NATIONAL MORTGAGE
ASSOCIATION, MERS CORP, INC.
AND MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent, pursuant to the Texas Rules of Civil Procedure, on this 13th day of April, 2012, as follows:

Via Facsimile: 915.351.6754

Richard A. Roman

Attorney at Law

505 E. Rio Grant

El Paso, Texas 79902-4206

Attorney for Plaintiffs

Via E-Mail
Chris Pochyla
Barrett Daffin Frappier Turner & Engle, LLP
15000 Surveyor Blvd., Suite 100
Addison, Texas 75001

Attorney for Defendant Federal Home Loan Mortgage Co.

/s/ R. Dwayne Danner
R. DWAYNE DANNER

Exhibit B

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, L.L.P.
A PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

ATTORNEYS AND COUNSELORS AT LAW

CHRIS H. POCHYLA
ATTORNEY AT LAW
LITIGATION DIVISION

15000 SURVEYOR BOULEVARD
SUITE 100, DEPARTMENT 4000
ADDISON, TEXAS 75001
TELEPHONE: (972) 341-0755
TELECOPIER: (972) 341-0734
Toll Free: 800-795-5040

February 15, 2012

VIA CM/RRR NO. 7196 9008 9115 0102 1572

Richard A. Roman, Esq.
505 East Rio Grande
El Paso, TX 79902

RE: Cause No. 2011-DCV-10814; *Beatriz Huml v. Federal Home Loan Mortgage Co.*; In the 171st District Court, El Paso County, Texas.


BDFTE No.: 20110018800128

Dear Mr. Roman:

Enclosed please find a copy of Defendant's Original Answer and Request for Disclosure which was electronically filed today in the above referenced cause of action.

If you have any questions, please do not hesitate to contact me at (972)340-7924.

Sincerely,


Susan L. Lucero
Legal Assistant to Chris Pochyla

Enclosures

"B"

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP
A PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS
ATTORNEYS AND COUNSELORS AT LAW

CHRIS H. POCHYLA
ATTORNEY AT LAW
LITIGATION DIVISION

15000 SURVEYOR BOULEVARD
SUITE 100, DEPARTMENT 4000
ADDISON, TEXAS 75001
TELEPHONE: (972) 386-5040
TELECOPIER: (972) 341-0734
CHRISPO@BDFGROUP.COM

February 15, 2012

El Paso District Clerk
500 E. San Antonio
Suite 1203
El Paso, TX 79901

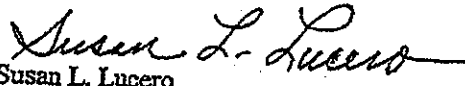
RE: Cause No. 2011-DCV-10814; *Beatriz Huml v. Federal Home Loan Mortgage Co.*
BDFTE No. 20110018800128

Dear Clerk:

Enclosed for filing in the above-referenced cause is an original and one copy of Defendant's Answer. Please return a file-marked copy of same in the envelope provided.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact our office.

Sincerely,


Susan L. Lucero
For Chris H. Pochyla

CHP/sll
Enclosures

cc:

VIA CM/RRR NO. 7196 9008 9115 0102 1572
Richard A. Roman, Esq.
505 East Rio Grande
El Paso, TX 79902

CAUSE NO. 2011-DCV-10814

BEATRIZ HUML
PLAINTIFF,

V.

FEDERAL HOME LOAN
MORTGAGE CO.,
DEFENDANT

§
§
§
§
§
§
§

IN THE DISTRICT COURT

171ST JUDICIAL DISTRICT

EL PASO COUNTY, TEXAS

DEFENDANT FEDERAL HOME LOAN MORTGAGE CO.'S
ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, FEDERAL HOME LOAN MORTGAGE COMPANY ("FHLMC"), Defendant herein and files this answer to BEATRIZ HUML's ("Plaintiff") Original Petition, and which would respectfully show the Court:

GENERAL DENIAL

Defendant generally denies the allegations in Plaintiff's Original Petition.

RULE 194 REQUESTS FOR DISCLOSURE

Pursuant to Rule 194, Defendant requests Plaintiff to disclose, within 30 days of service of this request, the information or material described in Rule 194.2(a)-(k)

PRAYER

WHEREFORE, PREMISES CONSIDERED, FHLMC requests that Plaintiff take nothing by her suit, that costs be assessed against Plaintiff, and that Defendant be awarded all other relief to which Defendant may be entitled.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

/s/Chris Pochyla

Chris Pochyla
State Bar No. 24032842
15000 Surveyor Boulevard, Suite 100
Addison, TX 75001
972-386-5040
972-341-0734 (Fax)

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this Defendant's Original Answer by certified U.S. Mail, return receipt requested to the parties below on the 15th day of February, 2012.

VIA CM/RRR NO. 7196 9008 9115 0102 1572

Richard A. Roman, Esq.
505 East Rio Grande
El Paso, TX 79902

/s/Chris Pochyla

Chris Pochyla

Subject: Re: BDF 20110018800128 Huml
From: Richard Roman (rromanattorney@yahoo.com)
To: SusanLL@bdfgroup.com;
Date: Friday, February 24, 2012 9:00 AM

Thanks.
FYI - See attached.

Richard A. Roman, Esq.
Former Judge of the 346th District Court
505 East Rio Grande
El Paso, Texas 79902
(915) 351-2679
(915) 351-6754 fax
e-mail: rromanattorney@yahoo.com

From: Susan L. Lucero <SusanLL@bdfgroup.com>
To: rromanattorney@yahoo.com
Cc: Chris Pochyla <ChrisPO@bdfgroup.com>
Sent: Friday, February 24, 2012 8:34 AM
Subject: BDF 20110018800128 Huml

Attached is the answer for the Huml v. Federal Home Loan Mortgage Co. case. Sorry for the confusion.

Sincerely,

Susan L. Lucero*
Legal Assistant to Chris Pochyla

National Default Exchange, LP
an affiliated service provider for
Barrett Daffin Frappier Turner & Engel, LLP
15000 Surveyor Blvd., Suite 100
Addison, Texas 75001
(972) 340-7924 Phone
(972) 341-0734 Facsimile
susanll@BDFGroup.com
Please note new e-mail address above

*Not licensed to practice law

PLEASE BE ADVISED THAT THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE.

From: Richard Roman [<mailto:rromanattorney@yahoo.com>]
Sent: Thursday, February 23, 2012 2:30 PM
To: Chris Pummill
Cc: susanl@bdfgroup.com
Subject: BDF # 20110018800128

You sent this by accident.

Richard A. Roman, Esq.
Former Judge of the 346th District Court
505 East Rio Grande
El Paso, Texas 79902
(915) 351-2679
(915) 351-6754 fax
e-mail: rromanattorney@yahoo.com

Notice of Confidentiality

This e-mail message and attachments, if any, are intended solely for the use of the addressee hereof. In addition, this message and attachments, if any, may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating, or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please promptly notify the sender by e-mail and immediately delete this message from your system.

Exhibit C

COPY

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: BAC HOME LOAN SERVICING LP, which may be served with process by serving its designated agent for service at CODILIS & STOWIARSKI, PC, 650 NORTH SAM HOUSTON PARKWAY, STE 460, HOUSTON, TEXAS 77060

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 171st Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure was filed in said court on the 3rd day of April, 2012, by Attorney at Law RICHARD A. ROMAN, 505 EAST RIO GRANDE, EL PASO, TEXAS 79902 in this case numbered 2011-DCV10814 on the docket of said court, and styled:

BEA HUML, ET AL vs. FEDERAL NATIONAL MORTGAGE ASSOCIATION, ET AL

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 13th day of April, 2012.

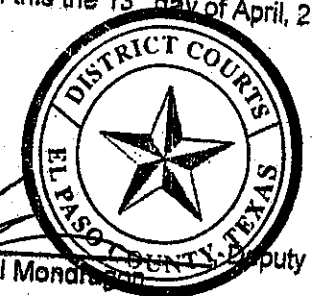
Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA
District Clerk
El Paso County Courthouse
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901

ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER TITLE
ADDRESS
CITY STATE ZIP



By *[Signature]*
Michael Mondragon, Deputy

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2012, at _____, I mailed to:

defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure attached thereto.

TITLE

"C"

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____

This forwarding address was provided: _____

El Paso County, Texas

By: _____
Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this _____ day
of _____

Notary Public, State of _____
My commission expires: _____

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: BAC HOME LOAN SERVICING LP, which may be served with process by serving its designated agent for service at CODILIS & STOWIARSKI, PC, 650 NORTH SAM HOUSTON PARKWAY, STE 450, HOUSTON, TEXAS 77060

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 171st Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure was filed in said court on the 3rd day of April, 2012, by Attorney at Law RICHARD A. ROMAN, 505 EAST RIO GRANDE, EL PASO, TEXAS 79902 in this case numbered 2011-DCV10814 on the docket of said court, and styled:

BEA HUML, ET AL vs. FEDERAL NATIONAL MORTGAGE ASSOCIATION, ET AL

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 13th day of April, 2012.


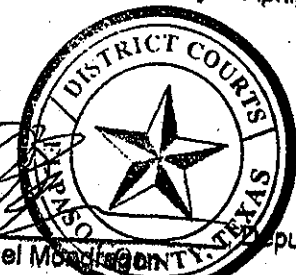
Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA
District Clerk
El Paso County Courthouse
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901

ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER TITLE
ADDRESS
CITY STATE ZIP

By  Michael Mendez, Deputy


CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2012, at _____, I mailed to:

defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____

This forwarding address was provided: _____

El Paso County, Texas

By: _____

Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this _____ day
of _____

Notary Public, State of _____

My commission expires: _____

BEA HUML, INDIVIDUALLY, JOEY RODRIGUEZ, INDIVIDUALLY, CHRISTOPHER LEE VALDEZ AND WIFE ENEIDA VALDEZ INDIVIDUALLY AND JOINTLY, JOE BRUSCUELAS AND WIFE YVETTE BRUSCUELAS, INDIVIDUALLY AND JOINTLY, & "JOHN DOE (s)" AND "JANE DOE (s)" (BY AND ON BEHALF KNOWN AND UNKNOWN PARTIES)

PLAINTIFFS,

vs.

FEDERAL NATIONAL MORTGAGE ASSOCIATION; MERSCORP, INC.; MORTGAGE ELECTRONIC REGISTRATON SYSTEMS, INC; BAC HOME LOAN SERVICING, LP.; THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK CWABS, INC., (ASSETT-BACKED SECURITIES, SERIES 2007-9).

DEFENDANTS.

CAUSE NUMBER 2011-DCV-10814
IN 171ST DISTRICT COURT, EL PASO COUNTY, TEXAS

FILED
NORTH ALBERTA DISTRICT CLERK
2012 APR 11 11:11 AM
EL PASO COUNTY TEXAS

**PLAINTIFF'S THIRD AMENDED ORIGINAL PETITION,
JURY DEMAND AND REQUESTS FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW BEA HUML, JOEY RODRIGUEZ, CHRISTPOHER LEE VALDEZ AND WIFE ENEIDA VALDEZ, JOE BRUSCUELAS AND WIFE YVETTE BRUSCUELAS, JOHN DOE (s) AND JANE DOE (s), ("Plaintiffs") complaining of FEDERAL NATIONAL MORTGAGE ASSOCIATION, MERSCORP, INC.; MORTGAGE ELECTRONIC REGISTRATON SYSTEMS, INC., BAC HOME LOAN SERVICING LP., AND THE BANK OF NEW YORK F/K/A THE BANK OF NEW YORK, ("Defendants") and would show the Court as follows:

PARTIES

COPY

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: THE BANK OF NEW YORK F/K/A THE BANK OF NEW YORK, which may be served with process by serving its designated agent for service of process, PITE DUNCAN, at 550 WESTCOTT, STE 560, HOUSTON, TEXAS 77007

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 171st Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure was filed in said court on the 3rd day of April, 2012, by Attorney at Law RICHARD A. ROMAN, 505 EAST RIO GRANDE, EL PASO, TEXAS 79902 in this case numbered 2011-DCV10814 on the docket of said court, and styled:

BEA HUML, ET AL vs. FEDERAL NATIONAL MORTGAGE ASSOCIATION, ET AL

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 13th day of April, 2012.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA
District Clerk

El Paso County Courthouse
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901

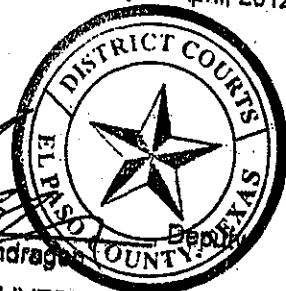
ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP



BY *[Signature]*
Michael Mondragon, Deputy

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2012, at _____, I mailed to:

defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____

This forwarding address was provided: _____

El Paso County, Texas

By: _____
Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this _____ day
of _____

Notary Public, State of _____

My commission expires: _____

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: THE BANK OF NEW YORK F/K/A THE BANK OF NEW YORK, which may be served with process by serving its designated agent for service of process, PITE DUNCAN, at 550 WESTCOTT, STE 560, HOUSTON, TEXAS 77007

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 171st Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure was filed in said court on the 3rd day of April, 2012, by Attorney at Law RICHARD A. ROMAN, 505 EAST RIO GRANDE, EL PASO, TEXAS 79902 in this case numbered 2011-DCV10814 on the docket of said court, and styled:

BEA HUML, ET AL vs. FEDERAL NATIONAL MORTGAGE ASSOCIATION, ET AL

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 13th day of April, 2012.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA
District Clerk
El Paso County Courthouse
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901

ATTACH
RETURN RECEIPTS
WITH
ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

*NAME OF PREPARER TITLE
ADDRESS
CITY STATE ZIP

By [Signature] Michael [Name] Deputy
CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the ___ day of ___, 2012, at ___, I mailed to:

defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Third Amended Original Petition, Jury Demand and Requests for Disclosure attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____ as evidence by Domestic Return Receipt PS Form 3811 attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned undelivered marked _____

This forwarding address was provided: _____

El Paso County, Texas

By: _____
Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and correct."

Subscribed and sworn to be on this _____ day
of _____

Notary Public, State of _____
My commission expires: _____

FILED
NORMALY PAVELA
DISTRICT CLERK

2012 APR -3

BY _____
DEPT 7

EL PASO COUNTY, TEXAS

CAUSE NUMBER 2011-
DCV-10814

IN 171ST DISTRICT
COURT, EL PASO
COUNTY, TEXAS

BEA HUML, INDIVIDUALLY, JOEY RODRIGUEZ,
INDIVIDUALLY, CHRISTOPHER LEE VALDEZ AND
WIFE ENEIDA VALDEZ INDIVIDUALLY AND
JOINTLY, JOE BRUSCUELAS AND WIFE YVETTE
BRUSCUELAS, INDIVIDUALLY AND JOINTLY, &
"JOHN DOE (s)" AND "JANE DOE (s)" (BY AND ON
BEHALF KNOWN AND UNKNOWN PARTIES)

PLAINTIFFS,

VS.

FEDERAL NATIONAL MORTGAGE ASSOCIATION;
MERS CORP, INC.; MORTGAGE ELECTRONIC
REGISTRATON SYSTEMS, INC; BAC HOME LOAN
SERVICING, LP.; THE BANK OF NEW YORK
MELLON, F/K/A THE BANK OF NEW YORK CWABS,
INC., (ASSETT-BACKED SECURITIES, SERIES
2007-9).

DEFENDANTS.

PLAINTIFF'S THIRD AMENDED ORIGINAL PETITION,
JURY DEMAND AND REQUESTS FOR DISCLOSURE

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW BEA HUML, JOEY RODRIGUEZ, CHRISTPOHER LEE VALDEZ
AND WIFE ENEIDA VALDEZ, JOE BRUSCUELAS AND WIFE YVETTE
BRUSCUELAS, JOHN DOE (s) AND JANE DOE (s), ("Plaintiffs") complaining of
FEDERAL NATIONAL MORTGAGE ASSOCIATION, MERS CORP, INC.; MORTGAGE
ELECTRONIC REGISTRATON SYSTEMS, INC., BAC HOME LOAN SERVICING LP.,
AND THE BANK OF NEW YORK F/K/A THE BANK OF NEW YORK, ("Defendants")
and would show the Court as follows:

PARTIES

COPY

ATTORNEY COPY

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., which may be served with process by certified mail to Bill Beckmann at 1818 Library Street, Reston, Virginia 20190

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's First Amended Original Petition, Jury Demand, and Requests for Disclosure at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 171st Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's First Amended Original Petition, Jury Demand, and Requests for Disclosure was filed in said court on the 21st day of February, 2012, by Attorney at Law RICHARD ROMAN, 505 EAST RIO GRANDE, EL PASO, TEXAS 79902 in this case numbered 2011-DCV10814 on the docket of said court, and styled:

BEATRIZ HUML, INDIVIDUALLY, & "JOHN DOE(s)" and "JANE DOE(s)" vs. FEDERAL NATIONAL MORTGAGE ASSOCIATION, MERSCORP, INC. and MORTGAGE ELECTRONIC SYSTEMS, INC.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's First Amended Original Petition, Jury Demand, and Requests for Disclosure accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.


Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 24th day of February, 2012.

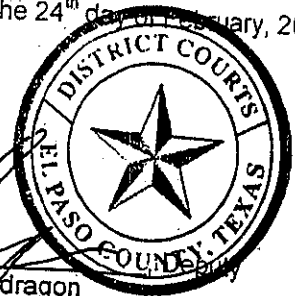
Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA
District Clerk
El Paso County Courthouse
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901

ATTACH
RETURN RECEIPTS
WITH
ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

By 
Michael Mondragon

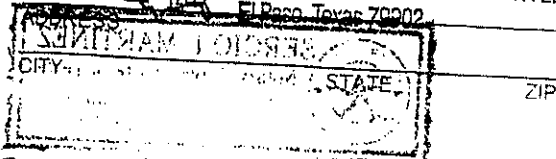


CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 16 day of March, 2012, at 4:00 P.M., I mailed to Mortgage Electronic Registration Systems, Inc b/s Bill Beckmann @ 1818 Library Street Reston, VA 20190

defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Amended Petition attached thereto.

Legal-Net Process Service
NAME OF PREPARED BY: LEGAL-NET TITLE
ADDRESS: 444 Montana Ave. Ste 210
CITY: EL PASO, TEXAS 79902



Fee \$ 50.00

Rosa Cervantes SA# 1507
TITLE EXP: 10-31-31

RETURN OF SERVICE

Delivery was completed on 03-19-12 to Bill Beckmann @ 1818 Library Street, Reston, VA 20190 delivered to Mortgage Electronic Registration Systems, Inc. which may be served with process by certified mail DELIVERED BY CERTIFIED MAIL as evidence by Domestic Return Receipt PS Form 3811 attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned undelivered marked _____

This forwarding address was provided: _____

FILED
NORMA L. FAVELA
DISTRICT CLERK
2012 MAR 26 PM 3:31
EL PASO COUNTY, TEXAS
BY _____

El Paso County, Texas

By: _____
Deputy District Clerk
Legal Access Service
1444 Montana Ave. Ste 210
El Paso, Texas 79902

Name of Authorized Person

By: Rosa Cervantes
Rosa Cervantes SCH # 1507 EXP:10-31-14

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared Rosa Cervantes, known to me to be the person whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and correct."

Subscribed and sworn to be on this 23 day of March, 2012

Sergio I. Martinez
Notary Public, State of TX
My commission expires: 3/1/2015



SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mortgage Electronic Registration
Systems, Inc which may be
served with process by
certified mail to
Bill Beckmann @
1818 Library Street
Reston, VA 20190

2. Article Number

(Transfer from service label)

7010 1060 0001 3643 0486

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2506

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

FILED
ENVELOPE
NORMAL CLERK
2012 MAR 26 PM 3:31
EL PASO COUNTY, TEXAS
BY _____

Subject: Huml, et al v. FHLM, MERS, et al / 2011-DCV-10814
From: Richard Roman (romanattorney@yahoo.com)
To: cpochyla@bdfgroup.com; laurenc@bdfgroup.com;
Cc: opanchenko@piteduncan.com; rzuniga@epcounty.com;
Date: Friday, April 13, 2012 12:15 PM

COPY

Counsel: Please see attached setting for Injunctive Relief on April 17, 2012 @ 11:00 am. Amended pleadings with the appropriate citations to the respective designated agents for service of process are being prepared at this time.

Richard A. Roman, Esq.
Former Judge of the 346th District Court
505 East Rio Grande
El Paso, Texas 79902
(915) 351-2679
(915) 351-6754 fax
e-mail: romanattorney@yahoo.com

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
171ST JUDICIAL DISTRICT

BEATRIZ HUML, "John Doc(s)" and "Jane
Doe(s)", & Joey Rodriguez

vs

Federal Home Loan Mortgage Co.,

Cause No. 2011-DCV10814

Merscorp, Inc.,

Mortgage Electronic Registraton Systems, Inc.,
& Federal National Mortgage Association

ORDER OF COURT SETTING

The above referenced case is set as follows:

<u>Hearing Type</u>	<u>Hearing Date</u>	<u>Hearing Time</u>
Motion for Injunctive Relief Hearing	04/17/2012	11:00 AM
Scheduling Conference	04/25/2012	1:30 PM
Pre-Trial hearing	10/18/2012	2:00 PM
Jury Trial	10/22/2012	9:00 AM

If the above referenced case has already been settled, tried or dismissed, please notify my Court Coordinator (Ruby Zuniga: (915) 546-2100) upon receipt of this order.

Signed and entered on this the 13th day of April, 2012.

Bonnie Rangel
Judge
171st Judicial District Court

Fax: Richard Roman
Chris Pochyla

915-351-6754
972-341-0734

Please give notice to all concerned parties.



Bonnie Rangel

DISTRICT JUDGE

171ST JUDICIAL DISTRICT OF TEXAS
COUNTY OF EL PASO COURTHOUSE
500 E. SAN ANTONIO, ROOM 601
EL PASO, TEXAS 79901

(915) 546-2100 • FAX (915) 546-2114

RUBY J. ZUNIGA
COURT COORDINATOR

RICHARD SALAZAR
BAILEY

ANITA GARCIA
OFFICIAL COURT REPORTER

April 13, 2012

Re: BEATRIZ HUML, "John Doe(s)" and
"Jane Doe(s)" & Joey Rodriguez vs
Federal Home Loan Mortgage
Co., Merscorp, Inc., Mortgage Electronic
Registraton Systems, Inc. & Federal
National Mortgage Association

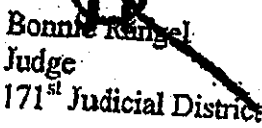
Cause No. 2011-DCV10814

Dear Counsel:

I have enclosed a Scheduling Order that must be agreed to and entered prior to the scheduling order conference. If you cannot agree to said order, a scheduling conference has been set with my Court for April 25, 2012 at 1:30 p.m.

If you submit an agreed order, prior to the hearing date, please inform the court and the hearing will be cancelled.

Thank you very much,


Bonnie Rangel
Judge
171st Judicial District Court

BR/rz

Fax: RICHARD ROMAN
CHRIS POCHYLA

915-351-6754
972-341-0734

COPY

Subject: Re: Please Reply with confirmation upon receipt
From: Richard Roman (rromanattorney@yahoo.com)
To: staciatromanlegal@yahoo.com;
Date: Friday, April 13, 2012 5:01 PM

good.

Richard A. Roman, Esq.
 Former Judge of the 346th District Court
 505 East Rio Grande
 El Paso, Texas 79902
 (915) 351-2679
 (915) 351-6754 fax
 e-mail: rromanattorney@yahoo.com

From: Staci Anderson <staciatromanlegal@yahoo.com>
To: "opanchenko@piteduncan.com" <opanchenko@piteduncan.com>
Cc: Richard Roman <rromanattorney@yahoo.com>
Sent: Friday, April 13, 2012 4:59 PM
Subject: Please Reply with confirmation upon receipt

Attached you will find copies of the Plaintiffs Fourth Amended Original Petition, Request For Injunction, Jury Demand and Request For Disclosure, and the Order Setting. I have attempted several times to fax with no response.

Thank you and have a wonderful weekend!

Staci W. Anderson
Legal Assistant to Richard Roman
P.#915-351-2679
Fax#915-351-6754
505 E. Rio Grande

*This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is strictly prohibited.

Subject: RE: Huml, et al v. FHLM, MERS, et al / 2011-DCV-10814

From: Olga S. Panchenko (opanchenko@piteduncan.com)

To: rromanattorney@yahoo.com;

Date: Friday, April 13, 2012 2:19 PM

Mr. Roman,

Did I get this by mistake?

Olga Panchenko

Associate Attorney

Pite Duncan, LLP

550 Westcott, Suite 560

Houston, Texas 77007

P(713) 293-3650

F(713) 293-3636

opanchenko@piteduncan.com

From: Richard Roman [mailto:rromanattorney@yahoo.com]
Sent: Friday, April 13, 2012 12:15 PM
To: epochyla@bdfgroup.com; Lauren Christoffel
Cc: Olga S. Panchenko; rzuniga@epcounty.com
Subject: Huml, et al v. FHLM, MERS, et al / 2011-DCV-10814

Counsel: Please see attached setting for Injunctive Relief on April 17, 2012 @ 11:00 am. Amended pleadings with the appropriate citations to the respective designated agents for service of process are being prepared at this time.

Richard A. Roman, Esq.
Former Judge of the 346th District Court

505 East Rio Grande

El Paso, Texas 79902

(915) 351-2679

(915) 351-6754 fax

e-mail: romanattorney@yahoo.com

Visit our website at www.piteduncan.com This message is intended for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone (call us collect at 858/750-7600) and immediately delete this message and all its attachments. Thank you.

Exhibit D



Constable Rick Gammon
El Paso County, Precinct 2
4641 Cohen Avenue, Suite A
El Paso, Texas 79924
Office: (915) 757-9488 Fax: (915) 751-7623



FINAL WARNING

**THIS IS A NOTICE TO VACATE
THE FOLLOWING ADDRESS**

TO ALL OCCUPANTS:

At: 11864 Jim Webb, El Paso TX 79934

A Writ of Possession, **Case # 212-00034-FED**, has been issued by El Paso County Justice of the Peace # 2 ordering eviction of persons and property from these premises. If you have not vacated and removed your property from the premises by:

Friday, April 13, 2012 at 8:00 a.m., it will be removed at your expense.

POSTED: On 04/11/12 @ 6:36pm

Rick Gammon
Rick Gammon, Constable

Paul A. [Signature]
Deputy

"D"



Case number: 120210-000141

Welcome Richard Roman (Logout)

Back

WHAT HAPPENED

Describe what happened so we can understand the issue...

→ 1. Foreclosure while homeowner was actively applying, in good faith, for a loan modification.

Which part of the mortgage process is your issue related to?

Problems when you are unable to pay

This is about Conventional fixed mortgage

Do you believe the issue involves discrimination? Yes No

On the basis of

Race

DESIRED RESOLUTION

What do you think would be a fair resolution to your issue?

- 1. Rescind foreclosure as "invalid";
- 2. reinstatement loan with loan modification;
- 3. principal reduction and/or credit balance against mortgage.

MY INFORMATION

Contact information

Mailing address

Rev Richard Roman
505 East Rio Grande
El Paso TX 79902
United States

Email rromanattomey@yahoo.com

Phone 915-351-2679

I am filing on behalf of Someone else

Someone else

Relationship

Attorney
Mr marcos villalobos
11864 jim webb
el paso TX 79934
United States

PRODUCT INFORMATION


Property address is the same as mailing address.

Account/Loan number 143024

1. Foreclosure while homeowner was actively applying, in good faith, for a loan modification.

Information about the company
Bank of America
United States

Supporting documents

 20120210093355971.pdf (2.02 MB)

COMPLAINT HISTORY

Auto-Response

03/26/2012 07:22 PM

Thank you for contacting the Consumer Financial Protection Bureau. Your complaint (Case number: 120210-000141) appears to be a duplicate of case number 120125000181. Please refer to case number 120125000181 for further information/updates regarding your case.

You can track your complaint at: <https://help.consumerfinance.gov/app/account/complaints/list>.

Thank you,
Consumer Response Team

Consumer Financial Protection Bureau
consumerfinance.gov
(855) 411-CFPB (2372)

Auto-Response

02/14/2012 10:07 AM

Thank you for contacting the Consumer Financial Protection Bureau. Your complaint (Case number: 120210-000141) appears to be a duplicate of case number 120125000181. Please refer to case number 120125000181 for further information/updates regarding your case.

You can track your complaint at: <https://help.consumerfinance.gov/app/account/complaints/list>.

Thank you,

Consumer Financial Protection Bureau
<http://www.consumerfinance.gov>
(855) 411-CFPB (2372)

Auto-Response

02/10/2012 11:40 AM

Thank you for contacting the Consumer Financial Protection Bureau.

We have received your complaint (Case number: 120210-000141) and will send it to your financial institution as soon as possible.

You can track your complaint at: <https://help.consumerfinance.gov/app/account/complaints/list>.

In the meantime, if you're having trouble paying your mortgage and want to be connected to a free, HUD-approved housing counselor, call (855) 411-CFPB. Special assistance may be available to military members or veterans.

Thank you,

Consumer Financial Protection Bureau
<http://www.consumerfinance.gov>
(855) 411-CFPB (2372)

Customer Richard Roman via Web

02/10/2012 11:40 AM

1. Foreclosure while homeowner was actively applying, in good faith, for a loan modification.



RICHARD ROMAN
Attorney at Law
505 E. Rio Grande, St. El Paso, Texas 79902
Office (915) 351-2679 Fax: (915) 351-6754
Email: rromanattorney@yahoo.com

FAX COVER

April 12, 2012

TO: Constable Rick Gammon
FAX #: 915-751-7623
FROM: RICHARD ROMAN
TELE: 915-351-2679
FAX: 915-351-6754

RE: Marcos Villalobos, 11864 Jim Webb, El Paso TX, 79934
Case # 212-00034-FED

No. of pages, including cover page:

MESSAGE: **URGENT**


In reference to the above matter, we are in receipt of the "FINAL WARNING TO VACATE". Out of an abundance of caution I am advising you that this office is assisting the Villalobos's with their application with the CFPB (a federal government agency), who is reviewing their loan modification. The application is still under active review. Attached you will find a copy of this application for this property.

If you have any question please feel free to contact our office at any time.

- for your records
- please sign and return
 - via regular mail
 - via certified mail
 - via facsimile

- please contact our office ASAP
- other : _____

Sincerely,


RICHARD ROMAN
ATTORNEY AT LAW

RAR/sa

All information contained in this facsimile message is attorney exclusive and confidential, intended only for the use of individual or entity to whom it is addressed. Should the reader of this message not be the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, return the original message via the United States Postal Service. Thank you for your cooperation.

COPY P. 1

Fax Header) Richard Roman Atty

Date/Time: Apr. 12. 2012 11:34AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3311 Memory TX	7517623	P. 4	OK	

- Reason for error
- E. 1) Hang up or line fail
 - E. 2) Busy
 - E. 3) No answer
 - E. 4) No facsimile connection
 - E. 5) Exceeded max. E-mail size

RICHARD ROMAN
 Attorney at Law
 505 E. Rio Grande, St. El Paso, Texas 79902
 Office (915) 351-2679 Fax: (915) 351-6754
 Email: romanattorney@yahoo.com

FAX COVER
 April 12, 2012

TO: Constable Rick Gammon
FAX #: 915-751-7623
FROM: RICHARD ROMAN
TELE: 915-351-2679
FAX: 915-351-6754

RE: Marcos Villalobos, 11864 Jim Webb, El Paso TX, 79934
 Case # 212-8904-FED

No. of pages, including cover page:

MESSAGE: URGENT

In reference to the above matter, we are in receipt of the "FINAL WARNING TO VACATE". Out of an abundance of caution I am advising you that this office is assisting the Villalobos's with their application with the CPTB (a federal government agency), who is reviewing their loan modification. The application is still under active review. Attached you will find a copy of this application for this property.

If you have any question please feel free to contact our office at any time.

- for your records
- please sign and return
 - via regular mail
 - via certified mail
 - via facsimile

- please contact our office ASAP
- other: _____

Sincerely,

 RICHARD ROMAN
 ATTORNEY AT LAW

NOTE:
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COPY

Subject: Re: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

From: romanattorney@yahoo.com (romanattorney@yahoo.com)

To: laurenc@bdfgroup.com;

Date: Friday, April 13, 2012 12:22 PM

No problem. I sent you notice of the injunction hearing because both escobedos and the villalobos have now been added as plaintiffs in this robo-signing lawsuit. To bad we could not work out something and avoid this.

Sent via BlackBerry from T-Mobile

From: "Lauren Christoffel" <LaurenC@bdfgroup.com>

Date: Fri, 13 Apr 2012 13:19:28 -0500

To: Richard Roman <rromanattorney@yahoo.com>

Subject: RE: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

Richard,

The email below was in regards to the Escobedo file referenced in the subject line. It was not meant to relate to the property at 11864 Jim Webb Drive. In the future, please email about particular properties related to the subject line to prevent confusion.

Thanks,

Lauren

Lauren E. Christoffel

Litigation Attorney

Barrett, Daffin, Frappier, Turner & Engel, LLP

15000 Surveyor Boulevard

Addison, Texas 75001

(972) 386-5040 Main

(972) 341-5343 Direct

(972) 341-0675 Fax

LaurenC@BDFgroup.com

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From: Lauren Christoffel
Sent: Friday, April 13, 2012 12:11 PM
To: 'Richard Roman'
Subject: RE: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

Richard,

FNMA is holding the writ while they review the issue with the servicer.

Thanks,

Lauren

Lauren E. Christoffel

Litigation Attorney

Barrett, Daffin, Frappier, Turner & Engel, LLP

15000 Surveyor Boulevard

Addison, Texas 75001

(972) 386-5040 Main

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From: Richard Roman [mailto:rromanattorney@yahoo.com]
Sent: Friday, April 13, 2012 9:56 AM
To: Lauren Christoffel
Subject: Fw: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

Lauren: Any news on this (11864 Jim Webb) 212-00034-FED? Remember we are asking for some time regarding the execution of the writ so we can sort out the loan modification issues.

Richard A. Roman, Esq.
Former Judge of the 346th District Court

505 East Rio Grande

El Paso, Texas 79902

(915) 351-2679

(915) 351-6754 fax

e-mail: rromanattorney@yahoo.com

— Forwarded Message —

From: Richard Roman <rromanattorney@yahoo.com>
To: "laurenc@bdfgroup.com" <laurenc@bdfgroup.com>
Sent: Thursday, April 12, 2012 2:43 PM
Subject: Fw: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

Lauren:

See attached as proof that we are pushing to finalize the loan modification in this matter. We should have the results very soon. At the very least my clients wish to remain in the property as tenant. This was sent this to the court.

Richard A. Roman, Esq.
Former Judge of the 346th District Court
505 East Rio Grande

El Paso, Texas 79902
(915) 351-2679
(915) 351-6754 fax
e-mail: rromanattorney@yahoo.com

----- Forwarded Message -----

From: "rromanattorney@yahoo.com" <rromanattorney@yahoo.com>
To: "laurenc@bdfgroup.com" <laurenc@bdfgroup.com>
Sent: Thursday, April 12, 2012 1:09 PM
Subject: Re: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

I am in court and will have staci in my office send asap.

-----Original Message-----

From: laurenc@bdfgroup.com
To: richard roman
Subject: RE: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959
Sent: Apr 12, 2012 12:56 PM

Please send any documentation particular to that case that you would like me to send to FNMA.

Thanks,
Lauren

Lauren E. Christoffel
Litigation Attorney
Barrett, Daffin, Frappier, Turner & Engel, LLP
15000 Surveyor Boulevard
Addison, Texas 75001
(972) 386-5040 Main
(972) 341-5343 Direct
(972) 341-0675 Fax
LaurenC@BDFgroup.com

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From: Richard Roman [<mailto:rromanattorney@yahoo.com>] Sent: Thursday, April 12, 2012 10:51 AM
To: Lauren Christoffel Subject: Re: Fannie Mae v. Escobedo; Cause # 212-00133-FED / 2995959

Thank you regarding the Escobedo's.

However, please be advised that I am having to raising similar concerns with the court and its "procedures" in 212-00034-Fed, "FNMA v. Alvarado". I would ask for similar courtesies from your office on any eviction procedures. Evidently I am going to have to address future cases before this judge.

Clients have sent their concerns about Judge Haggerty to the State Commission on Judicial Conduct.

Richard A. Roman, Esq. Former Judge of the 346th District Court
505 East Rio Grande
El Paso, Texas 79902
(915) 351-2679
(915) 351-6754 fax
e-mail: romanattorney@yahoo.com

From: Lauren Christoffel <LaurenC@bdfgroup.com> To: Richard Roman
<rromanattorney@yahoo.com> Sent: Tuesday, April 10, 2012 4:07 PM Subject: RE: Fannie Mae v.
Escobedo; Cause # 212-00133-FED / 2995959

Richard:

I send your court correspondence to the client and will have to wait on a response. To date, we do not have a lockout set; however, without client approval I cannot hold the writ.

T

Sent via BlackBerry from T-Mobile

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Exhibit E

Logout My Account Search Menu New Civil Search Refine Search Back

REGISTER OF ACTIONS

CASE No. 2011-DCV10814

Location : All Courts Help

BEATRIZ HUML, "John Doe(s)" and "Jane Doe(s)", Joey Rodriguez, Christopher Valdez, Enelda Valdez, Joe Bruscuclas, Yvette Bruscuclas vs Federal Home Loan Mortgage Co., Merscorp, Inc., Mortgage Electronic Registraton Systems, Inc., Federal National Mortgage Association, BAC HOME LOAN SERVICING LP, The Bank of New York Mellon

Case Type: Breach of Contract
Date Filed: 12/29/2011
Location: 171st District Court

PARTY INFORMATION

Defendant BAC HOME LOAN SERVICING LP
CT CORPORATION SYSTEM
350 N ST PAUL ST
DALLAS, TX 75201

Attorneys

Defendant Federal Home Loan Mortgage Co.
Barrett, Daffin, Frappier, Turner & Engle,
and LLP
15000 Surveyor Boulevard, Suite 100
Addison, TX 75001

CHRIS POCHYLA

Retained

972-341-5040(W)

Defendant Federal National Mortgage Association
5000 Plano PKWY
Carrollton, TX 75010

Defendant Merscorp, Inc.
Bill Beckmann
1818 Library Street, Suite 300
Reston, VA 20190

Defendant Mortgage Electronic Registraton
Systems, Inc.
Bill Beckmann
1818 Library Street
Reston, VA 20190

Defendant The Bank of New York Mellon
Formerly Known As The Bank of New York
Pite Duncan
Atten: Olga Panchencko, Esq.
550 Westcott, Ste 560
Houston, TX 77007

Plaintiff "John Doe(s)" and "Jane Doe(s)"
(By And On Behalf Known, and Unknown P

RICHARD ROMAN

Retained

915-351-2679(W)

Plaintiff Bruscuclas, Joe

RICHARD ROMAN

Retained

915-351-2679(W)

Plaintiff Bruscuclas, Yvette

RICHARD ROMAN

Retained

915-351-2679(W)

Plaintiff HUML, BEATRIZ
4318 HUECO AVENUE

RICHARD ROMAN

EL PASO, TX 79903

Plaintiff Rodriguez, Joey
1111 Laurel Oak Trail
Pflugerville, TX 78660

Plaintiff Valdez, Christopher Lee

Plaintiff Valdez, Eneida

Retained
915-351-2679(W)

RICHARD ROMAN
Retained
915-351-2679(W)

RICHARD ROMAN
Retained
915-351-2679(W)

RICHARD ROMAN
Retained
915-351-2679(W)

EVENTS & ORDERS OF THE COURT

02/21/2012 **DISPOSITIONS**
Non-Suit
Comment (As per First Amended Petition, Def. FEDERAL HOME LOAN MORTGAGE COMPANY disposed from case)

OTHER EVENTS AND HEARINGS

12/29/2011	Original Petition	Doc ID# 1	
12/29/2011	Notice of Filing	Doc ID# 2	
12/29/2011	Case Information Sheet	Doc ID# 3	
02/16/2012	Citation		
	Federal Home Loan Mortgage Co.		
02/17/2012	Answer	Doc ID# 4	Unservd Response Received 02/17/2012
02/21/2012	Amended Petition	Doc ID# 5	
02/24/2012	Citation		
	Federal National Mortgage Association, Merscorp, Inc.		
			Unservd
	Mortgage Electronic Registraton Systems, Inc.		
			Served
			Response Due 03/19/2012
			Returned 04/09/2012
03/06/2012	Amended Petition	Doc ID# 6	
03/08/2012	Amended Petition	Doc ID# 7	
03/09/2012	Citation		
	Federal National Mortgage Association		
03/15/2012	Notice of Filing	Doc ID# 8	Unservd
04/03/2012	Amended Petition	Doc ID# 9	
04/13/2012	Citation		
	BAC HOME LOAN SERVICING LP		
	The Bank of New York Mellon		
04/16/2012	Order of Court Setting		Unservd
04/16/2012	Letter	Doc ID# 10	Unservd
04/17/2012	Motion Hearing (11:00 AM) (Judicial Officer Rangel, Bonnie)		
04/18/2012	BWC Hearing (9:00 AM) (Judicial Officer Rangel, Bonnie)		
10/18/2012	Pre-Trial hearing (2:00 PM) (Judicial Officer Rangel, Bonnie)		
10/22/2012	Jury Trial (9:00 AM) (Judicial Officer Rangel, Bonnie)		