

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BEA HUML,

Plaintiff,

v.

CITIMORTGAGE INC.,
FEDERAL HOME LOAN MORTGAGE
CORPORATION,
THE COUNTY OF EL PASO, TEXAS &
BEVERLY MITRISIN

Defendants.

CAUSE NO. 3:12-CV-00245-DCG

PLAINTIFF'S REQUEST FOR LEAVE TO ADD ADDITIONAL DEFENDANTS

TO THE HONORABLE JUDGE GUADERRAMA:

COMES NOW BEA HUML complaining of CITIMORTGAGE, INC., FEDERAL HOME LOAN MORTGAGE CORPORATION, THE COUNTY OF EL PASO, TEXAS, AND BEVERLY MITRISIN, as follows:

I. PROCEDURAL HISTORY

On August 15, 2012 this honorable court issued an order that plaintiff Bea Huml file "all motions to amend the pleadings or join additional parties with the Court by September 18, 2012, pursuant to Rule 15 of the Federal Rules of Civil Procedure."

On June 22, 2012, plaintiff Huml filed her amended complaint in the 34th district court state court action which added defendants El Paso County, Texas and Beverly Mitrisin (see Exhibit "A"). Unbeknownst to the plaintiff or her counsel, a petition for removal to federal court had been evidently already been filed contemporaneously by defense counsel (Exhibit "B").

By happenstance, on June 22, 2012 Plaintiff's counsel was in the 34th district court regarding emergency relief being sought for Huml. The morning of June 14th, 2012, El Paso County Constables traveled to Huml's 4812 Hueco residence. Acting without a warrant or other valid court authorization, the constables detained, handcuffed and

arrested Huml in violation of her civil rights. In the presence of witnesses the constables forcibly and illegally removed Huml and her elderly, ill mother from the residence in a clear, purposeful and blatant show of force.

This show of force "shocks the conscience" of the community since it clearly disregarded, ignored and cast aside a timely-filed, valid Temporary Restraining Order previously signed and entered by Judge William Moody (Exhibit "C"). This entire incident was captured by a local news media outlet (Exhibit "D"). Hence, Huml's counsel was first advised by 34th district court personnel - not opposing counsel - of the removal of this action. A future restraining order hearing was already pending. 34th district court staff thankfully advised counsel of the removal prior to him receiving notice from the CM/ECF system.

Accordingly, pursuant to this court's order the plaintiff now respectfully seeks leave to formally add the two defendants previously added in the state court action. The defendants referred to hereinabove, The County of El Paso, Texas and Beverly Mitrisin, are necessary parties and service of process must be secured upon them.

Also note: Because of the June 14, 2012 injuries sustained by Huml at the hands of El Paso County law enforcement, a notice of claim pursuant to United States Code, Section "1983" ("Civil Rights Violation") has been sent to, and has been acknowledged by, El Paso County, Texas (Exhibit "E", inclusive).

II. REQUEST FOR LEAVE TO ADD ADDITIONAL DEFENDANTS

For the reasons cited the plaintiff respectfully asks this court for leave to add additional defendants, The County of El Paso, Texas and Beverly Mitrisin. Plaintiff Huml complains of illegal and wrongful foreclosure practices, knowing and intentional use of "robosigned" (faulty affidavits) and the entire MERS scheme on the part of the defendants.

Incidentally, defendant El Paso County recently issued a public announcement regarding the commencement of its own litigation against MERS and other culpable financial institutions. The statement reflects El Paso County's own "misgivings" in this regard (Exhibit "F"). Nevertheless, El Paso County has launched an ill-advised campaign to withhold from public viewing certain foreclosure-related / MERS information by seeking exemptions from release from Texas Attorney General Greg Abbott's Office,

Open Records Division. The plaintiff and her counsel believe this action is deceitful, "wrong-headed", contrary to justice and the public's interest (Exhibit "E", supra). El Paso County cannot "sit on both sides of the fence" by turning a blind eye as illegal foreclosure practices wreck rampant havoc in El Paso County, then file suit against the same entities alleged to be the perpetrators of these practices.

III. REQUEST FOR INJUNCTIVE RELIEF

Plaintiff incorporates by reference all previous factual allegations made above as though set forth completely herein and further seek an order of this Court requiring Defendants, jointly and severally, to correct the false and deceptive filings described herein by causing the recordation of corrective instruments setting forth accurately the identity of the actual parties-in-interest to the instruments about which complaint is made.

Plaintiff further seeks an order of this Court ordering defendants to stay any actions as they relate to this plaintiff specifically "Forcible Entry and Detainer Actions ("FED").

CERTIFICATE OF SERVICE

I hereby certify that on August 28th 2012 a true and correct copy of the foregoing instrument has been forwarded to the attention of opposing counsel via the CM/ ECF electronic filing system.

Richard A. Roman, Esq.

COP

IN THE 34th JUDICIAL DISTRICT COURT OF EL PASO COUNTY, TEXAS

BEA HUML, AND "JOHN DOES" AND
"JANE DOES"

PLAINTIFFS,

-v-

CITIMORTGAGE, INC. &
FEDERAL HOME LOAN MORTGAGE CORP.,
THE COUNTY OF EL PASO, TEXAS
BEVERLY MITRISIN, INDIVIDUALLY

DEFENDANTS.

FILED
NORMA L. FAVELA
DISTRICT CLERK

) 2012 JUN 22 PM 1 43

) EL PASO COUNTY, TEXAS

) BY CAUSE NO. 2012-DCV-04439

) DEPUTY

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW, BEATRIZ HUML, hereinafter as Plaintiff, in the action hereinabove complaining of defendants CITIMORTGAGE, INC., Federal Home Loan Mortgage Corporation, and newly added defendants The County of El Paso, Texas and Beverly Mitrisin, Individually, and in support thereof allege the following:

I.

Plaintiff is an individual residing in her homestead, which is the subject of this suit, at 4318 Hueco, El Paso, Texas, 79903.

Defendant CitiMortgage, Inc. is a foreign corporation and may be served through its Texas registered agent CT Corporation System, 350 North St. Paul, Ste. 200, Dallas, Texas 75201-4234. Federal Home Loan Mortgage Corporation is a Texas foreign corporation upon which service of process may be secured upon its Texas "FED" counsel Jack O'Boyle, Esq., P.O. Box 815369, Dallas, Texas 75381. The County of El Paso, Texas is a political body located within the State of Texas and may be served with service of process upon its elected County Judge, The Honorable Veronica Escobar, 500 East San Antonio, 3rd Floor, El Paso, Texas 79901. Beverly Mitrisin may be served with service of process at 4849 North Mesa, The National Bank Building, Suite 210, El Paso,

Texas 79902.

II.

This cause of action arises due to actions, which derive and continue to exist in the State of Texas and El Paso County. Venue and jurisdiction are therefore proper in El Paso County.

III.

At issue, among other issues, is a wrongful foreclosure of a home equity loan which took place on or around November, 2011. Plaintiff Bea Huml alleges, among other things, that the foreclosure is wrongful in that the account is not delinquent in the manner as alleged by the defendant. However, court records reflect an active lawsuit is pending in The County Court at Law Number 6 of El Paso County, Texas. Court records also reflect that a notice of eviction was sent to plaintiff by agents of the defendants before a judgment of foreclosure was entered by County Court at Law Number 6.

IV.

This petition is subject to amendment and/or supplementation.

V.

Demand is now being made upon defendants to rescind the Bea Huml foreclosure and abate any and all eviction proceedings being contemplated hereinafter. This matter also involves "robosigned" mortgage-related documents.

In this connection, Plaintiffs "John Doe and "Jane Doe" are residents of El Paso County, Texas and are similarly effected herein by the above allegations. More specifically, they are harmed and damaged from unlawful and illegal "Notice of Substitute Trustee's Sale", documents, filed and accepted in The El Paso County Clerk's Office.

These are government/ judicial documents impacting El Paso County homeowners. These documents amount to illegal and invalid "Nunc Pro Tunc" filings

because they contain several "signatures" of defendant Substitute Trustee Beverly Mitrisin on behalf of the representative financial institutions for whom she files these foreclosure-related documents ostensibly for compensation. These financial institutions clearly acquire a benefit through these filings/ transaction as does The County of El Paso, Texas.

VI.

WHEREFORE, the plaintiff requests that the defendants be cited to appear and answer and that, on final hearing, plaintiffs have judgment as follows:

1. Rescind the Bea Huml foreclosure sale;
2. Rescind the various "Notice of Substitute Trustee Sale" documents which possess more than one 2 "signature" of Beverly Mitrisin;
3. Pre-judgment and post-judgment interest from the date the cause of action arose at the statutory rate;
4. Costs of court and other costs;
5. Reasonable attorney fees;
- 6 Other and further relief to which plaintiffs may be justly entitled;
- 7 Plaintiff requests trial by jury.

Said amounts for damages are all well within the jurisdictional limits of this court.

Respectfully Submitted,

Law Office of Richard A. Roman

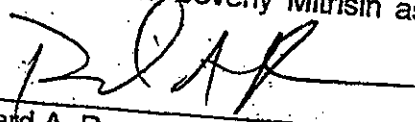
By:



Attorney for BEA HUML
505 East Rio Grande
El Paso, Texas 79902
915. / 351- 2679
Fax 351- 6754
State Bar # 00789595
romanattorney@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that on this 29 day of June, 2012 a copy of the enclosed petition was served upon CitiMortgage, Inc., through its Texas registered agents at CT Corporation System, 3650 North St. Paul, Ste. 200, Dallas Texas 75201-4234 by regular US mail, The Country of El Paso, Texas and Beverly Mitrisin as described hereinabove..



Richard A. Roman, Esq.

Fax: (214)756-8540
 Email: jmarlin@lockelord.com
ATTORNEY TO BE NOTICED

Defendant

Federal Home Loan Mortgage Corporation

represented by **Arthur E. Anthony**
 (See above for address)
ATTORNEY TO BE NOTICED

Robert T. Mowrey
 (See above for address)
ATTORNEY TO BE NOTICED

Jason Robert Marlin
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2012	<u>1</u>	NOTICE OF REMOVAL by CitiMortgage, Inc. <i>DEFENDANTS' NOTICE OF REMOVAL</i> (Filing fee \$350 receipt number 0542-4684522), filed by CitiMortgage, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit)(Marlin, Jason) (Entered: 06/22/2012)
06/22/2012	<u>2</u>	RULE 7 DISCLOSURE STATEMENT filed by CitiMortgage, Inc.. (Marlin, Jason) (Entered: 06/22/2012)
06/22/2012		Case Assigned to Judge David C Guaderrama. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (da,) (Entered: 06/22/2012)
06/22/2012	<u>3</u>	Supplemental JS44 (Civil Cover Sheet) submitted by CitiMortgage, Inc., Federal Home Loan Mortgage Corporation. (da,) (Entered: 06/22/2012)
06/22/2012		Remark: " All parties shall comply with the Standing Orders of Judge David C. Guaderrama located at http://www.txwd.uscourts.gov/rules/stdord/default.asp#elpaso " (mc4,) (Entered: 06/22/2012)
06/25/2012	<u>4</u>	MOTION to Dismiss <i>DEFENDANTS' MOTION TO DISMISS AND BRIEF IN SUPPORT</i> by CitiMortgage, Inc., Federal Home Loan Mortgage Corporation. (Attachments: # <u>1</u> Appendix)(Marlin, Jason) (Entered: 06/25/2012)
06/25/2012	<u>5</u>	ORDER TO SUBMIT PROPOSED SCHEDULING ORDER by 7/26/12. Signed by Judge David C Guaderrama. (mc4,) (Entered: 06/25/2012)
06/26/2012	<u>6</u>	Proposed MOTION to Remand to State Court <i>Motion for Remand to State Court</i> by Bea Huml. (Attachments: # <u>1</u> Proposed Order Proposed Order to Remand)(Roman, Richard) (Entered: 06/26/2012)
07/03/2012	<u>7</u>	RESPONSE to Motion, filed by CitiMortgage, Inc., Federal Home Loan

"B"

		Mortgage Corporation, re <u>6</u> Proposed MOTION to Remand to State Court <i>Motion for Remand to State Court</i> filed by Plaintiff Bea Huml (Attachments: # <u>1</u> Proposed Order)(Marlin, Jason) (Entered: 07/03/2012)
07/03/2012	<u>8</u>	<i>DEFENDANTS' ORIGINAL ANSWER, SUBJECT TO DEFENDANTS' MOTION TO DISMISS ANSWER</i> to Complaint by CitiMortgage, Inc., Federal Home Loan Mortgage Corporation.(Marlin, Jason) (Entered: 07/03/2012)
07/13/2012	<u>9</u>	ORDER DENYING <u>6</u> Plaintiff's Motion to Remand to State Court Signed by Judge David C Guaderrama. (mc4,) (Entered: 07/13/2012)
07/20/2012	<u>10</u>	STATUS REPORT <i>JOINT RULE 26(f) CONFERENCE REPORT</i> by CitiMortgage, Inc., Federal Home Loan Mortgage Corporation, Bea Huml. (Attachments: # <u>1</u> Exhibit)(Marlin, Jason) (Entered: 07/20/2012)
07/20/2012	<u>11</u>	SCHEDULING ORDER: Jury Selection set for 6/28/2013 09:00AM before Judge David C Guaderrama. Jury Trial set for 6/28/2013 09:00 AM before Judge David C Guaderrama. Amended Pleadings due by 9/18/2012. Discovery due by 1/16/2013. Joinder of Parties due by 9/18/2012. Dispositive Motions due by 2/15/2013. Further directives within Order. Signed by Judge David C Guaderrama. (mc4,) (Entered: 07/23/2012)
08/08/2012	<u>12</u>	NOTICE <i>DEFENDANTS' NOTICE OF NON-FILING</i> by CitiMortgage, Inc., Federal Home Loan Mortgage Corporation (Marlin, Jason) (Entered: 08/08/2012)
08/09/2012	<u>13</u>	NOTICE <i>Plaintiff's Notice of Intent to File Responsive Pleading</i> by Bea Huml (Roman, Richard) (Entered: 08/09/2012)
08/10/2012	<u>14</u>	RESPONSE to Motion, filed by Bea Huml, re <u>4</u> MOTION to Dismiss <i>DEFENDANTS' MOTION TO DISMISS AND BRIEF IN SUPPORT</i> filed by Defendant CitiMortgage, Inc., Defendant Federal Home Loan Mortgage Corporation <i>Plaintiff's Responce to Motion to Dismiss</i> (Roman, Richard) (Entered: 08/10/2012)
08/15/2012	<u>15</u>	ORDER GRANTING <u>4</u> Motion to Dismiss. Plaintiff shall file an amended complaint no later than 8/24/12. Further directives within Order. Signed by Judge David C Guaderrama. (mc4,) (Entered: 08/15/2012)
08/24/2012	<u>16</u>	***THIS ENTRY FILED IN ERROR - PLEASE DISREGARD*** AMENDED COMPLAINT against All Defendants amending, filed by Bea Huml.(Roman, Richard) Modified on 8/27/2012 (rrv,). (Entered: 08/24/2012)
08/27/2012	<u>17</u>	DEFICIENCY NOTICE: re <u>16</u> Amended Complaint -Mtn for Leave must be filed with the Amended Complaint as attachment, requesting leave to adddefendants. (per the Court's direction) (rrv,) (Entered: 08/27/2012)

PACER Service Center	
Transaction Receipt	
08/27/2012 14:46:23	
PACER Login:	rr4763
Client Code:	

Description:	Docket Report	Search Criteria:	3:12-cv-00245-DCG
Billable Pages:	3	Cost:	0.30

**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CIVIL DOCKET FOR CASE #: 3:12-cv-00245-DCG**

Huml v. CitiMortgage, Inc., et al.
Assigned to: Judge David C Guaderrama
Demand: \$75,000
Case in other court: 34th District Court of El Paso County,
Texas, 2012DCV4439
Cause: 28:1441 Petition for Removal

Date Filed: 06/22/2012
Jury Demand: Both
Nature of Suit: 220 Real Property:
Foreclosure
Jurisdiction: Federal Question

Plaintiff

Bea Huml

represented by **Richard A. Roman**
Attorney at Law
505 E. Rio Grande
El Paso, TX 79902
(915) 351-2679
Fax: 915-351-6754
Email: rromanattorney@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CitiMortgage, Inc.

represented by **Arthur E. Anthony**
Locke Lord Bissell & Liddell, LLP
2200 Ross Avenue, Suite 2200
Dallas, TX 75201
(214) 740-8407
Fax: (214) 756-8407
Email: aanthony@lockelord.com
ATTORNEY TO BE NOTICED

Robert T. Mowrey
Locke Lord LLP
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-6766
(214)740-8000
Fax: 214/740-8800
Email: rmowrey@lockelord.com
ATTORNEY TO BE NOTICED

Jason Robert Marlin
Locke Lord Bissell & Liddell, LLP
2200 Ross Avenue, Suite 2200
Dallas, TX 75201
(214)740-8540

FORMER JUDGE OF THE 346TH DISTRICT COURT
RICHARD ABRAM ROMÁN
ATTORNEY AT LAW

505 EAST RIO GRANDE
EL PASO, TEXAS 79902

(915) 351-2679
FAX (915) 351-6754
RROMANATTORNEY@YAHOO.COM

June 13, 2012

Jack O' Boyle Esq.
P.O. Box 815369
Dallas Texas, 75381

RE: Bea Huml

We represent Mrs. Huml; enclosed you may find the PLAINTIFFS ORIGINAL PETITION, APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER, and ORDER signed by judge. If you have any questions feel free to contact our office.

Thank you and have a good day.

Sincerely,



RICHARD ROMAN
ATTORNEY AT LAW

RR/sa
Enclosures as stated

CC

COPY
FILED
NORMAL L. FAVELA
DISTRICT CLERK

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
34th JUDICIAL DISTRICT COURT
2012 TEXAS AM 9:56
EL PASO COUNTY, TEXAS

BEA HUML,
PLAINTIFF
-V-
CITIMORTGAGE INC., &
FEDERAL HOME LOAN MORTGGE CORP.
DEFENDANTS

BY _____ DEPUTY
CAUSE NO. 2012DEV04439

APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER

This application of Petitioner, BEA HUML AS PLAINTIFF, for Ex Parte Temporary Restraining Order was presented to the Court today.

I.

The pleadings of Petitioner, as indicated by the Plaintiff's Original Petition attached hereto, reflect that Petitioner is entitled to a temporary restraining order against Respondents, whether one or more, to wit:

II.

Plaintiff is an individual living at 4318 Hueco, El Paso County, El Paso Texas, 79930.

Defendants CitiMortgage, Inc. is a foreign corporation and may be served through its Texas registered agent CT Corporation System, 350 North St. Paul, Ste. 200, Dallas, Texas 75201-4234. Defendant Federal Home Loan Mortgage Corporation may be served in care of its Texas "FED" counsel Jack O'Boyle, Esq.,

III.

This cause of action arises due to actions, which derive and continue to exist in the State of Texas and El Paso County. Venue and jurisdiction are therefore proper in El Paso County.

IV.

Plaintiff is owner of the following Property description: 4318 Hueco, El Paso, Texas 79930 and further described as: see attached.

V.

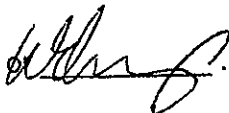
This property is subject to a foreclosure on or around November 2012 which is the subject of a wrongful foreclosure action and subsequent eviction ("FED"). Plaintiff will be immediately and irreparably harmed by such action; Further, such action would be wrongful and not supported by a factual and legal basis.

PRAYER

Intervener therefore prays, that the clerk of the Court issue a Temporary Restraining Order restraining Respondent, and Respondent is immediately restrained, from:

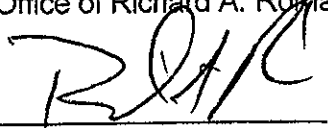
1. From commencing or allowing an eviction ("FED") on the real property as plead, et eq. by any party but namely Jack O'Boyle Esq., et al.;
2. Communicating with Petitioner in person, by telephone, or in writing vulgar, profane, obscene, or indecent language or in a coarse or offensive manner;
3. Threatening Petitioner in person, by telephone, or in writing;
4. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication, and other relief as appropriate.

The bond is set at \$100.00



Respectfully Submitted,

Law Office of Richard A. Roman

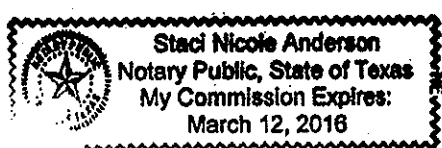
By: 

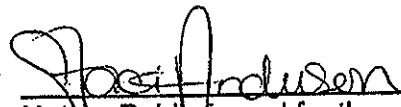
Attorney for BEA HUML
505 East Rio Grande
El Paso, Texas 79902
915. / 351- 2679
Fax 351-6754
State Bar # 00789595
rromanattorney@yahoo.com

VERIFICATION

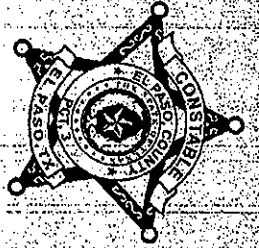
STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned Notary Public, on this day personally appeared RICHARD A. ROMAN, who being by me duly sworn on his oath deposed and said that the Petitioner's Application for Temporary Restraining Order is accurately reflected and that every statement contained therein is within his knowledge true and correct.





Notary Public in and for the
State of Texas



NOTICE TO VACATE

A COURT ORDER NO. 312-00317-FED HAS BEEN ISSUED ORDERING YOUR IMMEDIATE EVICTION FROM THIS PROPERTY

4318 HUECO AVE EL PASO, TX 79903

VACATE BY JUNE 14, 2012 AT 0900 O'CLOCK A M

NOTE: A MOVING CREW WILL BE HERE AT THIS TIME AND ANY REMAINING POSSESSIONS WILL BE REMOVED FROM THE PREMISES AND PLACED ON THE CURB.

ATENCION: LA CORTE A ORDENADO QUE DESALOJEN Y DEJEN LOS TERRENOS QUE OCUPAN. SI NO CUMPLEN CON ESTA ORDEN SUS POSESIONES Y EFECTOS SERAN MOVIDOS SIN MAS ADVERTENCIA.

BY:

SGT. M.E. CHAVEZ

HECTOR BERNAL, CONSTABLE
915-546-8137

THE STATE OF TEXAS
EL PASO COUNTY

311-00317-FED

Federal Home Loan Mortgage Corporation
No Known Address
Jack O'boyle
VS.
Beatriz Huml
4318 Hueco Ave
El Paso Tx 79903
Richard Olivo

In The Justice Court
Justice of The Peace, Precinct Three
El Paso County, Texas

WRIT OF POSSESSION

On 15th day of December, 2011, in the above case, judgment was granted against defendants (referred to as tenant) entitling plaintiffs (referred to as the landlord) to possession of the premises described above.

You are ordered to post a written warning of at least 8 1/2" x 11" on the exterior of the front door of the rental unit notifying the tenant that the writ has been issued and that the writ will be executed on or after a specific date and time stated in the warning not sooner than 24 hours after the warning is posted; and when the writ is executed.

You are ordered to instruct Defendant, to remove or to allow removal of all of the personal property from the premises other than the personal property claimed to be owned by Plaintiff; if Defendant fails to comply, you are commanded to instruct the Plaintiff, the Plaintiff's representatives, or any other person acting under your supervision, to remove such property from the premises; and


You are further ordered to place, or to have an authorized individual place, the removed personal property outside the premises at a nearby location. The property shall not be placed blocking a public sidewalk, passageway, or street nor shall the personal property be placed outside while it is raining, sleeting or snowing.

You are authorized, at your discretion, to engage the services of a bonded warehouseman to remove and store part or all of the property at no cost to the Plaintiff or yourself.

Herein be notified that Sec. 7.003, Texas Civil Practice & Remedies Code, exempts an officer of the court, who executes said writ in good faith and with reasonable diligence, from liability for damages resulting from the execution of the writ.

Herein fail not, and have you the said moneys, together with this writ showing you have executed the same, before said court, at Justice of The Peace, Precinct Three, on the first date of the next business day of said court.

Witnessed and issued on this the 4th day of June, 2012.



Presiding Judge, Guadalupe Aponte
Justice of The Peace, Precinct Three
500 E. San Antonio 3rd Floor Suite 308 El Paso Texas 79901
(915) 546-2170

AA

311-00317-FED

OFFICER'S RETURN

CAME TO HAND on the _____ day of JUN 07 2012, 20____, at 200 o'clock P. m.; and EXECUTED at El Paso County, Texas, at _____ o'clock ____m., on the _____ day of _____, 20____.

- By placing on the door and mailed.
- It was ascertained that the Defendants had removed themselves and their personal property at the time this WRIT was executed.
- Upon WRIT being executed, the defendant's voluntarily removed themselves and their personal property from the premises.
- Placed personal property from the real estate at a nearby location, being _____

Mileage: _____ Fee: _____

Signature of Landlord / Authorized Agent

Rodrigo J. Bernal

Sheriff, Constable or Peace Officer

By: _____
Deputy



May 24, 2012

Via Certified Mail Return Receipt Requested
BEATRIZ HUML,
and/or All OCCUPANTS of
4312 Hueco Ave Front
El Paso, Texas 79903

Re: Three (3) Day Notice to Vacate and Demand for Possession
Notice of Termination of Lease, Ninety (90) Day Notice to Vacate
My Client: Federal Home Loan Mortgage Corporation (Freddie Mac)
Subject Property: 4312 Hueco Ave Front

Dear Beatriz Huml, and/or All Occupants:

NOTICE IS HEREBY GIVEN THAT on September 6 2011, Federal Home Loan Mortgage Corporation acquired title to the above referenced Subject Property at a foreclosure sale. By virtue of the Deed of Trust you (or your landlord) executed, you are a tenant at sufferance.

THREE (3) DAY NOTICE TO VACATE

Pursuant to Sections 24.002(b) and 24.005 of the Texas Property Code, my client hereby terminates your tenancy at sufferance and instructs you to vacate the Subject Property no later than three (3) days following the delivery of this letter.

NINETY (90) DAY NOTICE TO VACATE

In the event any occupant of the Subject Property is a "bona fide" tenant as defined by "Protecting Tenants at Foreclosure Act of 2009" ("PTFA"), this letter shall be serve as the NINETY (90) DAY NOTICE TO VACATE as required by PTFA

NOTICE IS FURTHER GIVEN THAT within ninety (90) days following the delivery of this notice you must vacate and surrender possession of the Subject Property to Federal Home Loan Mortgage Corporation OR provide acceptable evidence to this law firm that you are a "bona fide" tenant and entitled to the protections under PTFA. If within the ninety (90) day period you fail to surrender possession OR fail to provide acceptable evidence that you are a "bona fide" tenant, my client has instructed this law firm to institute a forcible detainer action to recover possession of Subject Property.

BONA FIDE TENANT INFORMATION


You are required to provide the following documents as acceptable evidence if you are a "bona fide" tenant as defined under PTFA:

- A copy of your current lease agreement and proof of most recent rental payments.
- If you do not have a written lease, you must provide proof of most recent lease payments. (Receipts for the last six (6) rental payments made or for the length of time you have resided in the subject property, if less than six (6) months).
- Please provide your contact phone number and mobile number.

Please contact our office if you have any questions or to discuss eligibility under the Act.

Jack O'Boyle & Associates | P.O. Box 815369 Dallas, Texas 75381 | P: 972-247-0653 | F: 972-247-0642

Sincerely yours,



Jack O'Boyle

cc: First Class Mail
Richard Roman Via Facsimile: (915)351-6754
CMRR# 7112 4369 4680 2358 9260

**IMPORTANT NOTICE TO SERVICE MEMBERS AND THEIR DEPENDENTS:
PROTECTIONS UNDER THE SERVICE MEMBERS CIVIL RELIEF ACT**

If you are a service member on "active duty" or "active service," or a dependent of such a service member, you may be entitled to certain legal rights and protections, including protection from eviction, pursuant to the Service members Civil Relief Act (50 USC App. §§ 501-596), as amended, (the "SCRA") and, possibly, certain related state statutes. Eligible service can include:

1. active duty (as defined in section 101(d)(1) of title 10, United States Code) with the Army, Navy, Air Force, Marine Corps, or Coast Guard;
2. active service with the National Guard;
3. active service as a commissioned officer of the National Oceanic and Atmospheric Administration;
4. active service as a commissioned officer of the Public Health Service; or
5. service with the forces of a nation with which the United States is allied in the prosecution of a war or military action.

Eligible service also includes any period during which a service member is absent from duty on account of sickness, wounds, leave, or other lawful cause.

If you are such a service member, or a dependent of such a service member, you should contact Mario Valverde at (972)247-0692 to discuss your status under the SCRA

COPY

IN THE DISTRICT/ COUNTY COURT OF EL PASO COUNTY, TEXAS

~~24th DISTRICT COURT/ COUNTY COURT~~ ~~RENAW~~ ~~FAVELA~~
DISTRICT CLERK

BEA HUML

PLAINTIFF,

-v-

CITIMORTGAGE, INC., &
FEDERAL HOME MORTGAGE CORP.

DEFENDANTS.

2012 JUN 13 AM 10 24

EL PASO COUNTY, TEXAS
CAUSE NO. 2012 CV 00245

DEPUTY

DEPUTY

PASO COUNTY, TEXAS

2012 JUN 13 PM 3:13

FILED
NORMA FAVELA
DISTRICT CLERK

ORDER

CAME ON THIS DAY the motion hereinabove.

GRANTED: /

DENIED:

SO ORDERED, SIGNED and ENTERED this 13 day of June, 2012. *The bond is set at \$100 K by 6/13/12 2:57 pm*

This matter is set for hearing on June 25 2012 at 10:00 am/pm.

[Signature]

Honorable Judge Presiding



Claims Wrongful Foreclosure Through Fraudulent Documents Related

Woman Says Bank is Wrongfully Taking Her Home

El Paso Woman May be Victim of Illegal Robosigning

Newschannel 9 Investigates Robosigning

NC9 Investigates Robosigning Tonight at 10

Homeowner Faces Foreclosure Because of Robosigning

El Paso, TX — We've followed the story of a woman, Bea Huml, who says she's being wrongfully evicted from her home.

Huml says the county of El Paso is taking orders from the bank through fraudulent paperwork.

Bea Huml is fighting to keep her home. County constables forcibly removed her from her home last week. She was expecting them though because this eviction process has been going for more than a year.

Huml says she paid her mortgage on time every month so, she assumed the late notices from Citibank were a mistake. But then, the bank started returning her checks. Turns out the bank had started applying her mortgage payments of \$900 a month to an Escrow account, something she never authorized. So now she was delinquent and because she lost her job she was not given a grace period and no opportunity to work out a payment plan.

We spoke with her moments before the constables arrived.

"CitiMortgage foreclosed on the house claiming that I had not made payments on the loan. I had. I have proof that I had. I don't want my money back. This is my home and I have the right to be here," said Huml.

But then it got even more complicated. Her case got passed around from a Justice of the Peace, to a State Court and now to a Federal court. And because it was now in litigation, she filed for a temporary restraining order against the bank from the Federal court and was granted one, unbeknownst to the County Attorney's office the day they arrived.

"One day they tell me yeah you're ok you're litigating. The next day they say we're coming back to evict you tomorrow. The laws are not defending me the homeowner. You know I presume that people are innocent until proven guilty. I'm guilty until proven innocent," said Huml.

Bea Huml's attorney Richard Roman arrived in time to tell the constables there was a temporary restraining order against the bank in place. The constables said they would only verify this if he accompanied them to the court house.

"It appears they're not honoring the judge's order. The county attorney is challenging his authority (Federal Judge) to issue a restraining order," said Roman.

Eventually the constables backed off and left Huml alone that day. But when we called the County Attorney's office for comment, they told us they had nothing to do with this case. It's between Ms. Huml and the bank.

Richard Romans says there's something else going on..

"D"

"Somebody is signing they're name off on documents to take people's homes and they have no first hand personal knowledge of what's in those documents. They're fraudulent. It's against the law," said Roman.

Its called robo signing and after Bea Huml and Richard Roman did some research, they found that many foreclosure and eviction cases carried out by the county for the bank, have been signed by a woman named Beverly Mitrison.

"We don't have County Clerks that pay attention to what papers are being filed," said Huml.

Huml says there are different looking signatures for Beverly Mitrison. She says they're being forged. We called Beverly Mitrison, who said she cannot comment because she works for different law firms. We would have to contact the one specifically handling Bea Huml's case.

We have reached out and are waiting for a response.

We reached out to the bank, CitiMortgage to ask for a comment and they responded:

"Over the past year, Citi has significantly enhanced its oversight of mortgage foreclosure law firms. These enhancements included strengthening policies and procedures, hiring dedicated resources to oversee law firm performance, and increasing the frequency and scope of Citi's onsite law firm audit program," said Mark Rodgers, CitiMortgage spokesperson.

"My client wants her day in court. She wants the opportunity to prove everything that she's saying that the document's fraudulent," said Roman.

We have reached out to CitiMortgage for further comment about the possibility that these documents were robo signed.

They tell us they are looking into it. The County Attorney's office has not responded about how they're working on preventing this from happening.

YouTube Video:

YouTube Off

Comments News Comments

West Texas Weather



73° F

Partly Cloudy

High: 90° F Low: 73° F

Wind: E at 6 mph

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JO ANNE BERNAL
EL PASO COUNTY ATTORNEY
500 EAST SAN ANTONIO
ROOM 503, COUNTY COURTHOUSE
EL PASO, TEXAS 79901

(915) 546-2050
FAX: (915) 546-2133

June 29, 2012

The Honorable Greg Abbott
Attorney General, State of Texas
Attn: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO.7011 1570 0001 4881 8631

**RE: Public Information Act Request of Attorney Richard A. Roman to the El Paso County Attorney's Office; CA - OP-12-260
Amended correspondence with Attachment A appended**

Dear General Abbott:

I am writing this letter, pursuant to Section 552.301 of the Texas Government Code, to seek your opinion concerning whether certain requested information is excepted from release. The El Paso County Attorney's Office received a request from Requestor, Richard A. Roman, Attorney. He requests documents from the El Paso County Attorney's office for ". . . **all** records of **any sort** (e.g., memos, emails, instant messages (IM's), regarding the following from December, 2011 to the present:

1. Bea Huml;
2. MERS or the Mortgage Electronic Registration Service;
3. "robosigning"; and
4. A meeting between the El Paso County Attorney's Office and any News media, in particular any meetings from June 14, 2012 until present . . ."

A copy of the request received by the El Paso County Attorney's office through e-mail received on Saturday, June 16, 2012, is attached. (See **Attachment A**).

"E"

We believe some of the information requested is protected from release pursuant to Texas Government Code Chapter 552. We hereby give notice pursuant to 552.301(a),(b),(c) that the information may be excepted from release under exceptions to the Public Information Act to include, but not limited to 552.101, 552.103(a), 552.107, 552.108(a)(1) and 552.111 of the Government Code.. We are currently identifying the material that we believe is excepted and will provide that material with our more detailed brief in conformance with section 552.301(e) and (e-1).

I appreciate your attention to this request.

Sincerely,



Janet I. Monteros
Assistant County Attorney

Attachments

Cc: Mr. Richard A. Roman, Attorney
505 East Rio Grande
El Paso, Texas 79902
Cert.Ret.Receipt Req. No. 7011 1570 0001 4881 8648

Attachment A

From: Richard Roman [<mailto:rromanattorney@yahoo.com>]
Sent: Saturday, June 16, 2012 3:45 PM
To: Lee Shapleigh; Ruben Duarte
Subject: Texas Public Information Request ("TPIR")

Please accept this email as our TPIR for all records of any sort (e.g., memos, emails, instant messages (IM's), regarding the following from December, 2011 to the present:

1. Bea Huml;
2. MERS or the Mortgage Electronic Registration Service;
3. "robosigning"; and
4. A meeting between the El Paso County Attorney's Office and any news media, in particular any meetings from June 14, 2012 until present.

An expeditious response is appreciated and payment for copies will be addressed quickly.

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



JO ANNE BERNAL
EL PASO COUNTY ATTORNEY
500 EAST SAN ANTONIO
ROOM 503, COUNTY COURTHOUSE
EL PASO, TEXAS 79901

(915) 546-2050
FAX: (915) 546-2133

June 29, 2012

The Honorable Greg Abbott
Attorney General, State of Texas
Attn: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO.7011 1570 0001 4881 8617

RE: Public Information Act Request of Attorney Richard A. Roman to the El Paso County Attorney's Office; CA - OP-12-260

Dear General Abbott:

I am writing this letter, pursuant to Section 552.301 of the Texas Government Code, to seek your opinion concerning whether certain requested information is excepted from release. The El Paso County Attorney's Office received a request from Requestor, Richard A. Roman, Attorney. He requests documents from the El Paso County Attorney's office for ". . . all records of any sort (e.g., memos, emails, instant messages (IM's), regarding the following from December, 2011 to the present:

1. Bea Huml;
2. MERS or the Mortgage Electronic Registration Service;
3. "robosigning"; and
4. A meeting between the El Paso County Attorney's Office and any News media, in particular any meetings from June 14, 2012 until present . . ."

A copy of the request received by the El Paso County Attorney's office through e-mail received on Saturday, June 16, 2012, is attached. (See **Attachment A**).

We believe some of the information requested is protected from release pursuant to Texas Government Code Chapter 552. We hereby give notice pursuant to

* * * Communication Result Report (Jul. 12. 2012 2:57PM) * * *

Fax Header) Richard Roman Atty

Date/Time: Jul. 12. 2012 2:56PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3888 Memory TX	15124948017	P. 3	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: rromanattorney@yahoo.com

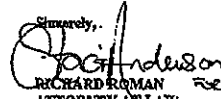
FAX COVER
 July 12, 2012

TO: Texas Attorney General's Office
 Attention: Jordan Hale, JIC
 FAX #: (512) 494-8017
 FROM: RICHARD ROMAN
 TELE: 915-351-2679
 FAX: 915-351-6754

RE: Public Information Act Request from Attorney Richard A. Roman to El Paso County Attorney's office; CA-OP-12-260
 No. of pages, including cover page: 3

MESSAGE:
 Transmitted here with is a copy of our Public Information Act Request, an original hard copy has been sent out via regular mail and e-mail. If you have any question please feel free to contact our office at any time.

<input checked="" type="checkbox"/> for your records	<input type="checkbox"/> please contact our office ASAP
<input type="checkbox"/> please sign and return	<input type="checkbox"/> other: _____
<input type="checkbox"/> via regular mail	
<input type="checkbox"/> via certified mail	
<input type="checkbox"/> via facsimile	

Sincerely,

 RICHARD ROMAN
 ATTORNEY AT LAW

RAR/kt
 All information contained in this facsimile message is attorney-client and confidential, intended only for the use of individual or entity to whom it is addressed. Should the need to 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.

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

July 12, 2012

TO: Texas Attorney General's Office
Attention: Jordan Hale, PIC
FAX #: 1(512) 494-8017
FROM: RICHARD ROMAN
TELE: 915-351-2679
FAX: 915-351-6754

RE: **Public Information Act Request form Attorney Richard A. Roman to El Paso
County Attorney's office; CA-OP-12-260**

No. of pages, including cover page: 3

MESSAGE:

Transmitted here with is a copy of our Public Information Act Request, an original hard copy has been sent out via regular mail and e-mail. 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

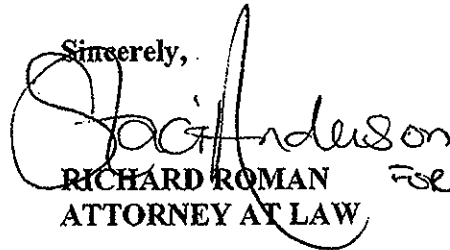
via certified mail

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

FORMER JUDGE OF THE 346TH DISTRICT COURT
RICHARD ABRAM ROMÁN
ATTORNEY AT LAW

505 EAST RIO GRANDE
EL PASO, TEXAS 79902

(915) 351-2679
FAX (915) 351-6754
RROMANATTORNEY@YAHOO.COM

July 12, 2012

The Honorable Greg Abbott
Texas Attorney General
Atten Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

**Re: Public Information Act Request from Attorney Richard A.
Roman to El Paso County Attorney's Office; CA-OP-12-260.**

Dear General Abbott:

This letter is a preliminary response to the correspondence sent to your office by El Paso County Attorney Jo Ann Bernal dated July 6, 2012 regarding the above-referenced Texas Public Information Request. In her letter Ms. Bernal argues, among other things, against the release of public information that relates to foreclosures in El Paso County.

In this regard I write to bring a couple of germane and important issues to your attention:

- (1) First, El Paso County is named as a defendant in litigation alleging questionable lender foreclosure practices, "MERS" (Mortgage Electronic Registration Service) and/or robo-signing issues ("Huml v. CitiMortgage", 34th District Court, cause number 2012DCV4439, see 3:12 CV-00245-DCG, U.S. District Court, Western District of Texas – El Paso Division). Thus, I anticipate any privileges being asserted by the El Paso County Attorney's Office against the release of public information will now be governed by the judicial process rather than the state administrative process; and
- (2) In point of fact El Paso County has long been aware that it is a potential "interested party", or at minimum, a witness in various foreclosure/"MERS"/ robo-signing legal claims, e.g., "Huml v. Federal National Mortgage Association", federal cause number 3:12-CV-00146-DCG after removal from the 171st State District Court.

Our position is that the information I am seeking from El Paso County may contain evidence of questionable foreclosure practices on the part of the lending institutions involved. This information is probative and is necessary in order to seek justice and fairness for my particular clients, several who only speak Spanish.

But further, because of the nature of this litigation, this information probably also impacts a large number of El Paso County homeowners who have been negatively and disproportionately affected by these, and other, defendant's foreclosure practices.

As we all know, the foreclosure/"MERS"/robo-signing problems are not limited to El Paso County or these plaintiffs; they are, indeed, nationwide.

In any event, please take these issues into consideration as you make your determination. We have a factual and legal disagreement with Ms. Bernal's position that the information in her office's possession must be kept from the public.

This information should not be kept from the public. Its release will assist in our understanding of issues of importance to not only my clients, but to many El Paso homeowners. The value and importance of this information cannot be overstated and is no different that those concerns uncovered in the public corruption investigation of El Paso Independent School District and the damage done to students.

Thank you,


Richard A. Roman

RAR: sa
No enclosure

* * * Communication Result Report (Jul. 12. 2012 12:04PM) * * *

Fax Header) Richard Roman Atty

Date/Time: Jul. 12. 2012 11:57AM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
3887 Memory TX	5124948017	P. 3	E-3) 3)	P. 1-3

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: rromanattorney@yahoo.com

FAX COVER
 July 12, 2012

TO: Texas Attorney General's Office
 Attention: Jordan Hale, PIC
 FAX #: 1(512) 494-8017
 FROM: RICHARD ROMAN
 TELE: 915-351-2679
 FAX: 915-351-6754

RE: Public Information Act Request from Attorney Richard A. Roman to El Paso County Attorney's office; CA-OP-12-260

No. of pages, including cover page:

MESSAGE:
 Transmitted here with is a copy of our Public Information Act Request, an original hard copy has been sent out via regular mail and e-mail. If you have any question please feel free to contact our office at any time.

for your records
 please sign and return

<input type="checkbox"/> via regular mail	<input type="checkbox"/> please contact our office ASAP
<input type="checkbox"/> via certified mail	<input type="checkbox"/> other: _____
<input type="checkbox"/> via facsimile	

Sincerely,

 RICHARD ROMAN
 ATTORNEY AT LAW

RAR/ra.
 All information contained in this facsimile message is either confidential 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.



JO ANNE BERNAL
EL PASO COUNTY ATTORNEY
500 EAST SAN ANTONIO
ROOM 503, COUNTY COURTHOUSE
EL PASO, TEXAS 79901

(915) 546-2050
FAX: (915) 546-2133

August 23, 2012

The Honorable Greg Abbott
Attorney General, State of Texas
Attn: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Public Information Act Request of Richard Roman, requesting copies of the County of El Paso's records concerning information that relates to the arrest and detention of Bea Huml by law enforcement officials of El Paso County on or around June 13 or 14, 2012.

Dear General Abbott:

I am writing this letter, pursuant to Section 552.301 of the Texas Government Code, to seek your opinion concerning whether certain requested information is excepted from release. Richard Roman requests documents concerning the arrest and detention of Bea Huml by law enforcement officials of El Paso County on or around June 13 or 14, 2012 from El Paso County. A copy of the request received by the El Paso County Judge on August 2, 2010 is attached (See Attachment A). Some of the documents will be release to Mr. Roman, but we believe information contained in some of the remaining documents are excepted from release.

Texas Government Code Sections 552.103 and .107 except information relating to potential litigation and attorney client privilege. As you can see by the PIA request letter from Mr. Roman (Attachment A), the letter also serves as a notice of claim of litigation against the County of El Paso for the very incident about which he is requesting records. Additionally, the yellow highlighted information on the 2 pages of Attachment B are notes made by El Paso County law enforcement officers regarding legal advice they received from two assistant county attorneys regarding the alleged "arrest and detention of Ms. Huml by law enforcement officials of El Paso County on or around June 13 or 14, 2012." See request letter -- Attachment A.

In conclusion, the highlighted information contained in documents contained in Attachments B-1 and B-2 is excepted from release under sections 552.103 and 552.107 of the Texas Government Code. We are withdrawing our assertion of an exception under section 552.108 and .111 of the Texas Government Code.

I appreciate your response to this inquiry.

Sincerely,



Lee Shapleigh
Assistant County Attorney

Attachments

Cc: Mr. Richard Roman w/o attachments
505 E. Rio Grande
El Paso, Tx 79902

Community



County news, blogs, pics, videos & more...

County Attorney Press Releases

El Paso County Sues Banks Associated With National Real Estate Registry Known As "MERS"

Suit alleges defendants unlawfully avoided payment of millions of dollars in recording fees

El Paso County, along with nine other Texas counties, has filed a lawsuit against national financial institutions associated with Mortgage Electronic Registration Systems, Inc., a corporation commonly known as MERS.

MERS is a "private national electronic registry" created by the defendant banks in order to circumvent recording mortgages in the public land records. The lawsuit alleges that MERS is a fraudulent scheme that misrepresented the need to record mortgage assignments, and that the defendants used MERS to avoid paying millions of dollars in recording fees to the County.

According to El Paso County Attorney Jo Anne Bernal, "Defendants have operated MERS in a manner designed to unlawfully transfer interests in mortgages while avoiding payment of recording fees to counties. As part of the MERS scheme, the defendants have misled investors and the general public regarding the need for properly recording mortgage conveyances."

According to the counties, they will not know the full extent of their damages until the defendants reveal how many transactions they failed to record with each county. However, the damages to El Paso County are estimated to be in the millions of dollars.

The lawsuit, filed on August 2, 2012, in a federal district court in Austin, Texas, will be litigated on behalf of the plaintiffs by the law firms of Ted B. Lyon & Associates and Blume, Faulkner, Skeen & Northam, PLLC.

Other Texas counties that have joined the litigation are Cass County, Hidalgo County, Kaufman County, Navarro County, Panola County, Rusk County, Smith County, Starr County and Webb County.

The defendants are: The Bank Of New York Mellon; Bank of America Corporation; Chase Home Mortgage Corporation of the Southeast; Citimortgage, Inc.; HSBC Finance Corporation; Merrill Lynch Credit Corporation; Nationwide Advantage Mortgage Company; Suntrust Mortgage, Inc.; United Guaranty Corporation; Washington Mutual Bank; Wells Fargo Bank, N.A.; Deutsche Bank, A.G.; U.S. Bank, N.A.; J.P. Morgan Chase Bank, N.A.; HSBC Bank USA, N.A.; and La Salle Bank, N.A.

No court hearings have been set on the case yet.

For more details about the lawsuit, please contact attorney James D. Blume at (214) 373-7788.

###

[MERS Lawsuit Press Release.pdf](#)

[MERS Lawsuit.pdf](#)

Published Aug 15 2012, 01:54 PM by edominguez

"F"

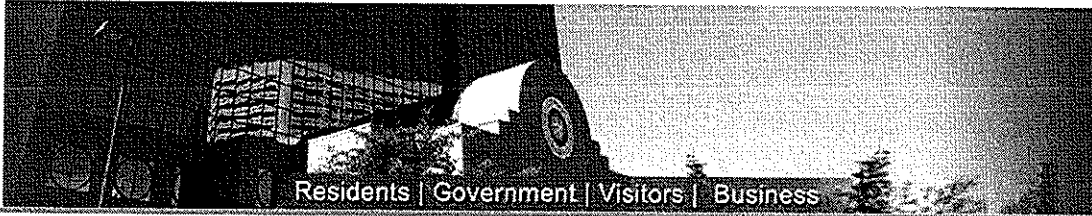
Filed under: [lawsuit](#), [El Paso County Attorney's Office](#), [Jo Anne Bernal](#), [Webb County](#), [El Paso County](#), [MERS](#), [Merril Lynch](#), [Bank Of America](#), [Wells Fargo](#), [Hidalgo County](#)

Comments

No Comments

About edominguez

Elhiu Dominguez was born in Cuauhtémoc, Chihuahua, México. He moved to the Ciudad Juárez - El Paso area in 1988 to study Mass Communications at the Chihuahua State University (UACH). He later obtained a Bachelor's Degree in Journalism from the University of Texas at El Paso in 1994. Elhiu began his professional career in 1989 as a reporter for Norte de Juarez newspaper. In 1994 he was employed at Canal 26, the local Univision affiliate in El Paso, as photojournalist, producer, and later as a reporter. In 1998, after a brief period as Weekend Assignments Editor at KDBC Channel 4, the local CBS affiliate, Elhiu returned to work at Univision 26 as a senior reporter. He was later assigned in 1999 as the Texas-New Mexico correspondent for the Univision Network's news magazine "Primer Impacto", a position that he held until his resignation in 2005 to become Assignments Editor at KFOX Channel 14, the local FOX network affiliate. Elhiu left KFOX in 2006 to become the Public Affairs Officer for the El Paso County Attorney's Office. During his more than 15 years of experience as journalist, Elhiu has received numerous awards, among them "La Columna de Oro" for a special series of stories regarding the murders of women in Juárez, and several first and second place awards by the New Mexico and Texas Associated Press in the categories of investigative reporting, breaking news, and feature stories.



Home > PublicRecords > Assumednames > Assumednamerecordsearch.aspx

Public Records

County Clerk

District Clerk

Form Filing Requirements

Assumed Name Forms:

- UnIncorporated Business
- Incorporated Business
- Withdrawal Notice of an Assumed Name

500 E. San Antonio
 El Paso, Texas 79901
 Phone (915) 546-2071
 Fax (915) 546-2012
 webmaster@epcounty.com

Public Records

➤ **Assumed Names Search**

Search an Assumed Name by business name or owner name. Use other fields to narrow your search. (Assumed Names are added to this website approximately 24-48 hours after they are filed in the County Clerk's office. Dates shown reflect the file date as recorded on the record.)

NOTE: If you are experiencing problems, please make sure you meet all of our [web requirements](#)

Business Name: Instrument No: Business Type:

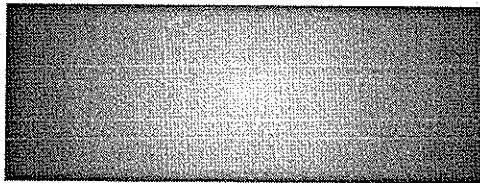
Owner's First Name: Middle Name: Last Name:

Date Range (Optional)

From: (mm/dd/yyyy)

To: (mm/dd/yyyy)

Type the **GREEN** Moving Letters



Green Moving Letters:

Submit Search

Clear Form

Found 4 Records.

Instrument #	File Date	Status	Withdrawal Date	Business Type	BusinessName	Business Address	Owner	Owner Address
20070009192	12/12/2007	Active	N/A	Corporation	DESERT AGAVE BUILDERS, LLC	6033 OJO DE AGUA EL PASO Texas	DESERT AGAVE BUILDERS, LL	6033 OJO DE AGUA 79912
20070009192	12/12/2007	Active	N/A	Corporation	DESERT AGAVE BUILDERS, LLC	6033 OJO DE AGUA EL PASO Texas	GERARD DANIEL B	6033 OJO DE AGUA 79912

20110002654	4/27/2011	Active	N/A	Corporation	DESERT AGAVE RESIDENTIAL	2077 NORTH ZARAGOZA ROAD STE 207 EL PASO Texas	ALVAREZ LUZ MARIA	2077 NORTH ZARAGOZA ROAD STE 207 79938
20110002654	4/27/2011	Active	N/A	Corporation	DESERT AGAVE RESIDENTIAL	2077 NORTH ZARAGOZA ROAD STE 207 EL PASO Texas	GER VAREZ COMMERCIAL REAL ESTATE LLC	2077 NORTH ZARAGOZA ROAD STE 207 79938

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