

FILED FOR RECORD
2010 MAY -3 AM 11:05

NO. 44616

ALFRED CORTINES AND SUSAN
CORTINES
Plaintiffs,

V.

COUNTRYWIDE HOME LOANS
INC. ,
INC. AND SURVEY 1, INC.
Defendants.

§ IN THE DISTRICT COURT FOR
§ THE
§
§
§ 23rd JUDICIAL
§ DISTRICT
§
§
§ OF BRAZORIA COUNTY, TEXAS

DISTRICT CLERK
BRAZORIA COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On may 3, 2010, the Application for a Temporary Restraining Order of Alfred Cortines and Susan Cortines, Plaintiffs herein against BAC Home Loans Servicing, LP, FKA Countrywide Home Loans Inc. Servicing, LP, was heard before this court.

Based upon the pleadings, records, documents filed by counsel, and the arguments of counsel at the hearing, IT CLEARLY APPEARS:

That unless Defendant, BAC Home Loans Servicing, LP is immediately restrained from sell the property at a non-judicial foreclosure sale and dispossess the Plaintiffs from the property and sell it to a bona fide purchaser for value; that BAC Home Loans Servicing, LP, will commit the foregoing before notice and a hearing on Plaintiffs' Application for Temporary Injunction.

Plaintiffs will suffer irreparable harm if BAC Home Loans Servicing, LP is not restrained immediately because injury in that property will sold to bona fide purchaser at the sale and the Plaintiffs have very limited funds and cannot afford to try to re-gain possession of their home after the foreclosure, and the non-judicial foreclosure would reek irreparable injury irrespective of other remedies at law during the pendency of this lawsuit and there is no adequate remedy at law to grant Plaintiffs complete, final and equal relief.

A. The Court orders the Defendant BAC Home Loans Servicing, LP to produce to following:

MAY 03 2010

RECEIVED

1. The original note at the injunction hearing, with all the necessary proof of Holder in Due course, successor and assigns.
2. Any and all supporting documentation with respect to prospectus, trustee and assignments to the trustee with respect to the note and deed of trust.
3. Any and all assignments of the Note made the subject of this lawsuit;
4. Any and all assignments of the Deed of Trust made the subject of this lawsuit;
5. The receipt and transfer documentation including any wire transfer or other transfer of funds to prove the transaction took place, and the Federal Express or other courier tracking number between and or among Countrywide Home Loans Inc. , Inc., MERS, and/or BAC Home Loans Servicing , LP, regarding the transfer the Note and/or Deed of Trust, including but not limited to the transfer of funds evidencing consideration for the transaction.
6. MERS recordation documents identifying the servicer, pool number for this note, investor number and name of any and all assignments recorded or MERS at the Injunction hearing; and
7. Any and all perfected lien documents as set in Texas property code:
8. The Court Order defendant to produce any and all supporting documentation with respect to any prospectus, trustee and assignments to the trustee with respect to the note and deed of trust; and
 - a. Any and all assignments of note;
 - b. Any and all assignments of the Deed of Trust
 - b. The receipt and transfer documentation including any wire transfer or other transfer of funds to prove the transaction took place, and the Federal Express or other courier tracking number between and or among Countrywide Home Loans Inc. , Inc., MERS, and/or BAC Home Loans Servicing, LP, regarding the transfer the Note and/or Deed of Trust, including but

not limited to the transfer of funds evidencing consideration for the transaction.

c. MERS recordation documents identifying the servicer, pool number for this note, investor number and name of any and all assignments recorded or MERS at the Injunction hearing; and

d. Any and all perfected lien documents as set in Texas property code:

e. Power of attorney from the trustee to BAC Home Loans as servicer to act on its behalf. Power of Attorney from any other party in interest to the note and deed of trust, identified or unidentified to act in the sale of Plaintiffs home.

f. BAC Corporate resolution naming Julie Webb Assistant Secretary to Act as a signing officer for appointing Substitute Trustee on behalf of BAC Home Loans Servicing, LP as servicer.

9. Any and all powers of attorney from the trustee to BAC Home Loans Servicing LP as servicer to act on its behalf. Power of Attorney from any other party in interest to the note and deed of trust, identified or unidentified party to act in the sale of Plaintiffs home.

10. Corporate resolution naming Julie Webb Assistant Secretary to Act as a signing officer for appointing Substitute Trustee on behalf of BAC Home Loans Servicing, LP as servicer.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that BAC Home Loans Servicing, LP Defendant herein, and all of Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys are ORDERED to immediately cease and desist from sell the property at a non-judicial foreclosure sale and dispossess the Plaintiffs from the property. from the date of entry of this order until fourteen (14) days thereafter, or until further

order of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs' Application for Temporary Injunction be heard on may 17, 2010 at 10:00 A.M in the 23rd District Court of Brazoria County, Texas located at 111 East Locust St., Angleton, TX. 77515. Defendant BAC Home Loans Servicing, LP is commanded to appear at that time and show cause, if any exist, why a temporary injunction should not be issued against said Defendant.

The clerk of the above-entitled court shall issue a temporary restraining order in conformity with the law and the terms of this order upon the filing by Plaintiffs of the bond hereinafter set.

This order shall not be effective until Plaintiffs deposit with the Clerk, a bond in the amount of \$ 100.00 in conformity with the law.

SIGNED and ENTERED on may 3, 2010 at 10:55 A.M.

Ben Hand
PRESIDING JUDGE

APPROVED AS TO FORM:

By: James M. Andersen
James M. Andersen
Attorney for Plaintiffs Alfred Cortines and Susan Cortines
State Bar No.: 01165850
P.O. Box 58554
Webster, Texas 77598-8554
Tel: (281) 488-2800
Fax: (281) 480-1190



**THE STATE OF TEXAS
COUNTY OF BRAZORIA**

I certify that the foregoing is a true and correct
copy of the original record in file in my office
Given under my hand and seal of the court at any
office in Angleton, Texas

JERRY DEERE, DISTRICT CLERK
By *[Signature]* Deputy

