

CASE NO. _____

ALVIE CAMPBELL AND JULIE §
CAMPBELL, §
PLAINTIFF, §
V. §
MORTGAGE ELECTRONIC §
REGISTRATION SYSTEMS, INC., AS §
NOMINEE FOR LENDER AND §
LENDER’S SUCCESSORS AND §
ASSIGNS, AND WELLS FARGO BANK, §
N.A., AND STEPHEN C. PORTER, AND §
DAVID SEYBOLD, AND RYAN §
BOURGEOIS, AND MATTHEW §
CUNNINGHAM, AND JOHN DOE 1-100, §
DEFENDANTS, §

IN THE DISTRICT COURT OF

WILLIAMSON COUNTY, TEXAS

_____ JUDICIAL DISTRICT

EX-PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, pro se, Plaintiffs, Alvie Campbell and Julie Campbell [Herein Campbell’s], who files this ex-parte emergency Application in the interest of justice and fairness, and asks this Honorable Court to grant the Application for Temporary Restraining Order against Wells Fargo Bank, N.A., or any other entity attempting to obtain possession, to prevent Defendants from executing a writ of possession scheduled for **Tuesday, January 21, 2014**, and from otherwise selling or taking possession of the property subject of this litigation, which is incorporated by reference and fully set forth at length herein, during the pendency of this cause, and from otherwise disturbing or attempting to disturb Plaintiff’s peaceable possession and enjoyment of his property.

Defendants use of a fraudulent transfer of an alleged original promissory note obligation [herein “alleged debt”] executed between the Campbell’s and American Mortgage Network, Inc., secured by a special warranty deed, and trust deed deceptively allowed Wells Fargo Bank, N.A. to unlawfully conduct a forcible detainer action and sway favor of a granted interest in the Plaintiff’s property which violated Plaintiff’s civil rights. Additionally, In the interest of law, justice, and fairness, the Plaintiffs’ asserts their causes of action for Slander to Title, Statutory Fraud, Common Law Fraud, Fraudulent foreclosure practice, Wrongful Debt Collection

Practices, as well as violations of the Deceptive Trade Practices Act, Federal Trade Commission, Truth in Lending Act, RESPA Act, Fair Housing Act, Fair Credit Reporting Act (FCRA), Recording Act, Texas Property Codes (5.004, 11.001, 5.079, 51.002(a), 51.0025) Texas Government Codes (192.001, 192.007), Business and Commerce Code Title 1 -- Uniform Commercial Code Chapter 3 (3.109, 3.115, 3.203, 3.204(d), 3.301, 3.302, 3.303), Title 18 USC and Plaintiff requests a Declaratory Judgment as stated herein. Plaintiff asks this Honorable court to grant the Application for Temporary Restraining Order against Wells Fargo Bank, N.A. to prevent the Defendant(s) from taking possession, or selling the property subject to this litigation, which is incorporated by reference as if fully set forth at length herein, and from otherwise have disturbed the Plaintiff's peaceable possession and enjoyment of their property, and in support shows the Court the following:

APPLICATION FOR TEMPORARY RESTRAINING ORDER

After knowledge of a possible sale of Plaintiff's promissory Note, Plaintiff's have requested that Defendants produce certified copies of any and all transfer documents showing all of the transfers and assignments of the Original Deed of Trust, as well as the Original Note. Such documentation has not yet been provided to Plaintiff.

Unless this Honorable Court immediately restrains the Defendants from executing a writ of possession or otherwise selling or taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property, Plaintiff will suffer immediate and irreparable injury, for which there is no adequate remedy at law to give Plaintiff complete, final and equal relief. More specifically, Plaintiff will show unto the court the following:

- a. The harm to Plaintiff is imminent because Plaintiff will lose their property.
- b. There is no adequate remedy at law which will give Plaintiff complete, final and equal relief if the Temporary Restraining Order is not granted and any transfer of the property is allowed to take place.
- c. Plaintiff is willing to post a reasonable temporary restraining order bond, and hereby requests this Honorable Court to set such bond at a reasonable amount.

- d. Plaintiff has met the burden by establishing each element which must be present before injunctive relief can be granted by this court, therefore Plaintiff is entitled to the requested temporary restraining order.

Plaintiff requests this Honorable Court to restrain the Defendants from executing the Substitute Trustee's Sale scheduled for Day, Month Date, Year or selling or otherwise taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property.

Plaintiff is likely to succeed on the merits of this lawsuit.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY REQUESTS:

1. That a temporary restraining order will issue, restraining Defendants, Wells Fargo Bank, N.A. or any other entity, Defendants' officers, agents, servants, employees, and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly from executing a writ of possession or otherwise selling or taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession and enjoyment of the property;
2. That the Court sets a reasonable bond for the temporary restraining order;
3. That, after notice and hearing, any and all writ of possession on the above-specified property will be set aside and a temporary injunction will issue enjoining and restraining Defendants, Defendants' officers, agents, servants, employees, successors and assigns, constables, sheriffs, Justices of the Peace, and attorneys from taking or selling in any fashion, or taking possession of the subject property during the pendency of this cause, or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession enjoyment of the property;
4. That, after trial on the merits, the Court permanently enjoin Defendants, Defendants' officers, agents, servants, employees, successors and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly from taking possession of the subject property or from otherwise disturbing or attempting to disturb Plaintiff's peaceable possession enjoyment of the property.
5. Economic Damages;

6. Punitive Damages;
7. A declaration that the Defendant must produce the one and only Original Promissory Note signed by the Plaintiff for inspection by the Plaintiff and or their document examiner prior to proceeding with any foreclosure proceedings;
8. A declaration that the court declare that any attempt to evict or take possession pursuant to the Texas Property Code Sec. 51.001 et seq is an action to collect a debt;
9. All other relief to which Plaintiff is entitled;
10. Plaintiff prays for general relief.

Respectfully submitted,

By: _____

Julie Campbell, pro se
c/o 250 PR 947, Taylor Texas 76574
(512) 791-2295; Jgc1983@hotmail.com

By: _____

Alvie Campbell, pro se
c/o 250 PR 947, Taylor Texas 76574
(512) 796-6397; Alvie@ourlemon.com

Certificate of Service

I hereby certify that on January 21, 2014, a true and correct copy of Plaintiffs EX-PARTE EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION was delivered to representing counsel of this case listed below by U.S. Mail.

Mark D. Hopkins, Hopkins & Williams Law, P.L.L.C., 12117 FM 2244, Bldg 3, Suite 260,
Austin, Texas 78738

Counsel for: Stephen C. Porter, David Seybold, Ryan Bourgeois, Matthew Cunningham,
John Doe 1-100

Elizabeth G. Bloch, Brown and McCarroll, LLP, 111 Congress Avenue, Suite 1400, Austin,
Texas 78701

Counsel for: Mortgage Electronic Registration Systems, Inc., as Nominee for Lender and
Lender's Successors and Assigns; Wells Fargo Bank, N.A., John Doe 1-100

By: _____

Alvie Campbell
c/o 250 PR 947

Taylor, Texas 76574