

IN THE JUSTICE COURT, PRECINCT 1, PLACE 1  
EL PASO COUNTY, TEXAS



THE BANK OF NEW YORK  
MELLON F/K/A THE BANK OF  
NEW YORK AS SUCCESSOR  
TRUSTEE TO JPMORGAN  
CHASE BANK, N.A., AS TRUSTEE  
FOR CERTIFICATEHOLDERS OF  
BEAR STEARNS ASSET BACKED  
SECURITIES TRUST 2006-3,  
ASSET BACKED CERTIFICATES,  
SERIES 2006-3.  
Plaintiff.

Cause No. F110-0374

v.  
JUDITH FRENCH AND  
VIRGINIA J. FRENCH and ALL  
OCCUPANTS OF 1271 MORROW COURT,  
EL PASO, TEXAS 79902,  
Defendants.

JUDGMENT

On the 15th day of December, 2010, Plaintiff's "Original Petition for Forcible Detainer" was announced at docket call for trial. The parties were present and announced ready through their designated representatives.

Richard Roman appeared and announced ready as counsel for Defendants.

Beverly Mitrison appeared as "Movant for Eviction" and testified that she was attending in a "representative capacity" for purported "Landlord". However, Movant's "representative capacity" was never established by competent evidence. Presiding Judge Bruce King indicated that he unclear as to whether she was appropriately designated as a representation of a bank, or of one of the law firms.

In any event, in testimony before the court Ms. Mitrison indicated that she was representative of "Mackie, Wolfe, et al" law firm, which filed the FED action. However, upon inspection of the District Court pleadings and other public property documents on file with El Paso County Clerk, the exact nature of the Mackie Wolfe law firms' role could not be ascertained.

Defendants presented to the court a duly-signed copy of the Temporary Restraining Order signed by the Presiding Judge of the 448th Judicial District Court, Judge Susan Larsen, dated September 7, 2010 with a time file stamp of on or about 10:20 am. The testimony to the court related that this document was hand-delivered to Beverly Mitrison and also later sent by facsimile transmission to the indicated counsel of record. Ms. Mitrison testified that she "was not the trustee." However, court pleadings reflect that Ms. Mitrison is one of the "Substitute Trustees."

Defendants provided proof of an foreclosure-related "Evidentiary Hearing" held in the 448th in which a third law firm had attended, but not participated on behalf of one of the entities involved in this mortgage situation. Defendants indicated that the 448th was struggling with the same issues concerning who are the legitimate parties to this matter, and by extension, which parties are entitled to

notice of all court proceedings. Defendants testified that they have found the need to engage private investigators to locate and identify the different individuals, corporations, registered agents, assignees and nominees, law firms and trustees, etc., Justice King agreed there are issues regarding title that are outside the respective statutory/ jurisdictional purview of the instant justice court.

Additionally, an agent of Plaintiff identified as "EMC" has been delivering various foreclosure and eviction-related notices to the defendants. However, the parties have been unable to determine the nature or capacity EMC to do so; Plaintiffs could not affirmatively identify EMC or its involvement. Defendant was unclear of EMC's role.

Defendants stated that they had complied with an agreement between themselves and the mortgage company, but the mortgage company required them to sign a modification increasing their mortgage loan from \$147,000.00 to \$202,000.00 or be denied a modification which can only be characterized as a contractual negotiation undertaken under a veil of duress. Movant Beverly Mitrison did not controvert.

Judge King indicated that there were complicated issues involving the mortgage foreclosure crisis and that he would defer to the District Court Judge.

Defendant's plea for attorney's fees in the amount of \$5,000.00 was unopposed.

The Court has considered the pleadings, evidence and the arguments of the parties' counsel and/or representative in this cause and is of the opinion that judgment should be rendered for Defendants.

The Court makes the following findings:

A Temporary Restraining Order was signed by the Presiding Judge of the 448th Judicial District Court and was in effect at the time of the foreclosure sale; and

The foreclosure sale was conducted irrespective of the Order of the 448th Judicial District Court and title is presently at issue.

It is accordingly ORDERED, ADJUDGED AND DECREED that:

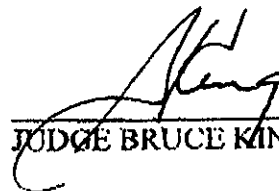
(1) The District Court has superior jurisdiction to determine title issues. Plaintiffs' suit is dismissed; and

(2) Attorney's fees are awarded to Defendants in the amount of \$5,000.00.

(3) Defendants shall be entitled to proceed with all processes to enforce this Judgment in the full amount hereof.

All relief not expressly granted herein is denied.

SIGNED on 12.16.10

  
\_\_\_\_\_  
JUDGE BRUCE KING PRESIDING

FILED @ J.P. 1  
DATE 1/6/2011  
BY: [Signature]

Case Number F110-0374

STATE OF TEXAS  
COUNTY OF EL PASO

IN THE JUSTICE COURT  
PRECINCT ONE

**REQUEST FOR WRIT OF EXECUTION OF JUDGMENT**

Please process this Request to have:

XX WRIT OF EXECUTION ISSUED  
\_\_\_\_\_ WRIT OF EXECUTION & ORDER OF SALE ISSUED

Returnable in: \_\_\_\_\_ 30 days \_\_\_\_\_ 60 days \_\_\_\_\_ 90 days

Party requesting: **Judith French and Virginia J. French**

Cause Number: **F110-0374** Court: **JP Court, Precinct 1**

Style: **The Bank of New York Mellon f/k/a The Bank of New York as Successor Trustee to JP Morgan Chase Bank, N.A., as Trustee for Certificateholders of Bear Stearns Asset Backed Securities Trust 2006-3, Asset Backed Certificates, Series 2006-3, Plaintiff v. Judith French and Virginia J. French and All Occupants of 1271 Morrow Court, El Paso, Texas 79902, Defendants,**

Date of Judgment: **December 15, 2010**

Amount of Judgment: **\$5,000.00**

County or Counties to be Executed: **El Paso County**

Judgment Credits, if any: **0**

Please mail this execution to: **El Paso County Sheriff's Department**

Respectfully submitted,

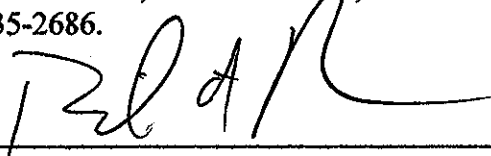


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**Richard Abram Roman**  
**Texas Bar No. 00789595**  
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El Paso, Texas 79902  
Telephone No. (915) 351-2679  
Facsimile No. (915) 351-6754  
**Attorney for JUDITH FRENCH and**  
**VIRGINIA J. FRENCH and all occupants**  
**of 1271 Morrow Court**

**CERTIFICATE OF SERVICE**

I, **Richard A. Roman**, certify on this the 6<sup>th</sup> day of January, 2011, a true and correct copy of the foregoing document was sent via facsimile to Brandon Wolf/Michael W. Zientz/L. Keller Mackie, MACKIE, WOLF, ZIENTZ & MANN, P.C., Attorneys for Plaintiff, Pacific Center I, Suite 660, 14180 N. Dallas Parkway, Dallas, Texas 75254, FAX: (214) 635-2686.



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**Richard A. Roman**