

FEB - 2 2016

At 11:00 A.M.
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-16-000360

THE STATE OF TEXAS
Plaintiff,

v.

MILLENNIUM CLOSING SERVICES
LLC, DBA MILLENNIUM TITLE
Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

53d JUDICIAL DISTRICT

**ORDER GRANTING SPECIAL DEPUTY RECEIVER'S APPLICATION FOR A
TEMPORARY RESTRAINING ORDER [CARROLL]**

On the undersigned date, the Court called for hearing this Application for a Temporary Restraining Order by CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Millennium Closing Services, L.L.C. d/b/a Millennium Title (the "SDR" and "Millennium Title" respectively), against Nancy B. Carroll a/k/a Nancy Jackson Carroll, a/k/a Nancy Carroll; NJC Carroll Law, PLLC d/b/a Integrity Title d/b/a Texas Title; Millennium 1031 Exchange Services, LLC a/k/a Millennium Title 1031; MT&PS, LLC; ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC.; and PSS Title (collectively, the "Carroll Respondents") and Prosperity Bank; Independent Bank f/k/a Grand Bank; Capitol One 360; and Wells Fargo Bank, N.A (collectively, the "Bank Respondents").

The Court finds that notice was proper under the circumstances.

The Court finds that it has jurisdiction over the parties and causes of action herein pursuant to TEX. INS. CODE § 443.105 and TEX. INS. CODE § 443.108.

The Court finds that Application was verified as required by the Texas Rules of Civil Procedure Application by the affidavit and certifications pursuant to TEX. INS. CODE § 443.017(b) of Susan E. Salch, the designated representative of CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Millennium Closing Services, L.L.C. d/b/a Millennium Title; the

affidavit of Robert York, the Manager of Title Examinations at the Texas Department of Insurance; and the affidavit of R. Wayne Johnson and the documents attached to their affidavits.

The Court finds that unless a temporary restraining order is issued the SDR would suffer immediate and irreparable injury, loss, or damage to the receivership estate because property of the estate could be transferred, concealed and/or dissipated and that this Order and a temporary restraining order should issue before notice can be served and a hearing had thereon.

Having considered the Application, the exhibits, and the applicable law, the Court finds that the SDR's Application for a Temporary Restraining Order should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. The SDR's Application for a Temporary Restraining Order is GRANTED.
2. The Carroll Respondents, their owners (including, but not limited to, Nancy Jackson Carroll and Shelby Carroll), affiliates (including, but not limited to, NJC Carroll Law, PLLC d/b/a Integrity Title d/b/a Texas Title; Millennium 1031 Exchange Services, LLC a/k/a Millennium Title 1031; MT&PS, LLC; ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC.; and PSS Title), current and former officers, trustees and directors, underwriters, managers, employees, agents, servants, representatives, attorneys, adjusters and other persons or entities acting on their behalf are hereby RESTRAINED and ENJOINED from 1) wasting, disposing of, converting, dissipating, using, releasing, transferring, selling, assigning, canceling, hypothecating, withdrawing, allowing to be withdrawn, offsetting, concealing, in any manner, or removing from this Court's jurisdiction any property; and 2) doing anything, directly or indirectly, to prevent the SDR from gaining access to, acquiring, examining, or investigating any property, books, documents, records, or other

materials concerning the Carroll Respondent's business, wherever located, until further order of this Court.

3. The Bank Respondents are hereby RESTRAINED and ENJOINED from wasting, disposing of, converting, dissipating, using, releasing, transferring, selling, assigning, canceling, hypothecating, withdrawing, allowing to be withdrawn, offsetting, concealing, in any manner, or removing from this Court's jurisdiction any property held for or on behalf of the Carroll Respondents until further order of this Court.
4. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to TEX. INS. CODE §443.008(m), no bond is required by the SDR to obtain injunctive relief.
5. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this matter is set for hearing on the SDR's application for a temporary injunction on February 11, 2016 at the Travis County Civil District Courthouse at 2:00 p.m.
6. The Clerk of the Court is ORDERED to issue writs of injunction to 1) Nancy B. Carroll a/k/a Nancy Jackson Carroll, a/k/a Nancy Carroll; 2) NJC Carroll Law, PLLC d/b/a Integrity Title d/b/a Texas Title; 3) Millennium 1031 Exchange Services, LLC a/k/a Millennium Title 1031; MT&PS, LLC; 5) ZAPP TRUST; 6) Southwest Bank Acquisitions, LP; 7) SWBANKACQ, LLC.; 8) PSS Title; 9) Prosperity Bank; 10) Independent Bank f/k/a Grand Bank; 11) Capitol One 360; and 12) Wells Fargo Bank, N.A in compliance with the terms of this Order.

Signed on February 2, 2016 at 10:45 a.m.



HONORABLE JUDGE TIM SULAK
PRESIDING


POSTED