

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

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MILLENNIUM CLOSING SERVICES, LLC	§	
D/B/A MILLENNIUM TITLE	§	
<i>Defendant.</i>	§	53 rd JUDICIAL DISTRICT

**SPECIAL DEPUTY RECEIVER’S
MOTION TO EXTEND TEMPORARY RESTRAINING ORDER**

TO THE HONORABLE JUDGE OF THIS COURT:

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), files this Motion to Extend Temporary Restraining Order (the “Motion”) and respectfully shows the Court the following:

I. INTRODUCTION

1.1 The SDR files this Motion pursuant to TEX. R. CIV. P. 680. On February 2, 2016, this Court entered its Order granting the SDR’s Application for a Temporary Restraining Order (the “TRO”) enjoining 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 National Association; and Wells Fargo Bank, N.A (collectively, the “Bank Respondents”). All of the respondents, with the exception of Nancy B. Carroll a/k/a Nancy Jackson Carroll a/k/a Nancy Carroll; (“Carroll”) and

her aliases and/or d/b/a's ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC; and PSS Title have been served.

1.2 Although the writs have been issued and process servers retained, Carroll and her aliases and/or d/b/a's ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC; and PSS Title have not been served.

1.3 The SDR requests the Court to extend the temporary restraining order solely as to Carroll and her aliases and/or d/b/a's ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC; and PSS Title.

II. LEGAL AUTHORITY

2.1 On January 25, 2016, this Court issued its Permanent Injunction pursuant to TEX. INS. CODE Chapter 443 (the "Insurer Receivership Act"). The Court is authorized to extend the TRO pursuant to TEX. INS. CODE § 443.008, which states in pertinent part:

INJUNCTIONS AND ORDERS. (a) The receivership court may issue any order, process, or judgment, including stays, injunctions, or other orders, as necessary or appropriate to carry out the provisions of this chapter or an approved rehabilitation plan.

Further, this Court's Permanent Injunction issued on January 25, 2016, states the following:

[6.1] This *Order Appointing Liquidator and Permanent Injunction* shall issue and become effective immediately, and shall constitute a final judgment pursuant to TEX. INS. CODE § 443.055(b), provided that this Court shall retain jurisdiction to issue further orders pursuant to the Insurer Receivership Act.

Finally, TEX. R. CIV. P. 680 provides that a court may extend a TRO by up to fourteen (14) days.

III. OFFER OF PROOF AND VERIFICATION

3.1 This Application is verified 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.

PRAYER

WHEREFORE, PREMISES CONSIDERED, CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Millennium Closing Services, L.L.C. d/b/a Millennium Title, respectfully requests that the Court:

1. Enter an order extending the temporary restraining order enjoining Nancy B. Carroll a/k/a Nancy Jackson Carroll, a/k/a Nancy Carroll; and her aliases and/or d/b/a's ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC; and PSS Title 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 their business, wherever located;
2. After hearing, grant the Application and enter writs of temporary and permanent injunction as set forth herein;
3. Award the SDR its reasonable and necessary attorney's fees, cost of court and all other costs of litigation solely against the Carroll Respondents; and
4. Grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

FULLER LAW GROUP

By: /s/Christopher Fuller

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**Attorney for CANTILO & BENNETT, L.L.P.,
Special Deputy Receiver of
Millennium Closing Services, LLC
d/b/a Millennium Title**

CERTIFICATE OF SERVICE

I certify that on February 10, 2016, the foregoing Motion was served pursuant to the Texas Rules of Civil Procedure and TEX. INS. CODE CHAPTER 443 on the following by electronic mail, except as specifically noted:

Via Email: specialmasterclerk@tdi.texas.gov
Special Master's Clerk
TEXAS DEPARTMENT OF INSURANCE
582 – Rehabilitation & Liquidation Oversight
PO Box 149104
Austin, Texas 78714-9104

Via Email: James.Kennedy@tdi.texas.gov
James Kennedy
TEXAS DEPARTMENT OF INSURANCE
872 – Legal Services\Liquidation Allocated
PO Box 149104
Austin, Texas 78714-9104

Via Email: Kimberly.Hammer@tdi.texas.gov
Kimberly Hammer
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Via Email:
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Assistant Attorney General
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Via Email: Vicente.Aguillon@tdi.texas.gov
Vicente Aguillon
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Via Email: Kergin@burtonhyde.com
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Via First Class Mail
INTERNAL REVENUE SERVICE
Special Procedures Branch
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300 East 8th Street, Suite 352
Mail Stop 5022AUS
Austin, Texas 78701

Via First Class Mail
INTERNAL REVENUE SERVICE
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

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600 Congress Avenue
Austin, Texas 78701

Via Email: jason@vandykelawfirm.com
Jason Lee Van Dyke
The Van Dyke Law Firm
200 Chisholm Place #250
Plano, TX 75075
Counsel for Maverick Title of Texas, LLC

RESPONDENTS:

Via First Class Mail
NJC Carroll Law, PLLC d/b/a
Integrity Title d/b/a Texas Title
CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201-3140

Via First Class Mail
MT&PS, LLC
CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201-3140

Via First Class Mail
Independent Bank f/k/a Grand Bank
Julie Crump
1600 Redbud Boulevard, Suite 400
McKinney, Texas 75069

Via First Class Mail
Capital One, National Association
Corporation Service Company d/b/a
CSC – Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

Via First Class Mail
Millennium 1031 Exchange Services, LLC
CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201-3140

Via First Class Mail
Wells Fargo Bank, N.A
Corporation Service Company d/b/a
CSC – Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

/s/Christopher Fuller
Christopher Fuller

**SPECIAL DEPUTY RECEIVER'S VERIFICATION AND CERTIFICATION
PURSUANT TO TEX. INS. CODE ANN. §443.017(b)**

AFFIDAVIT OF SUSAN E. SALCH

State of Texas

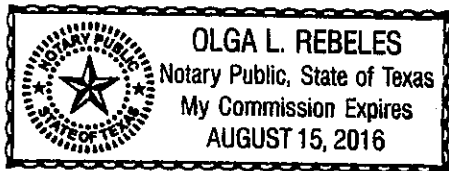
County of Travis

BEFORE ME, the undersigned authority appeared Susan E. Salch, who after being by me duly sworn, stated the following under oath:

1. "My name is Susan E. Salch. I am of sound mind, capable of making this affidavit, and am competent to testify by personal knowledge to the matters contained in this affidavit, which are true and correct.
2. I am a partner in CANTILO & BENNETT, L.L.P., the Special Deputy Receiver of Millennium Closing Services LLC, d/b/a Millennium Title (the "SDR" and "Millennium Title," respectively). I am duly authorized to make this Certification on behalf of the SDR.
3. I certify that the exhibits, books, accounts, records, papers, correspondence, and/or other records and documents attached hereto were produced pursuant to TEX. INS. CODE ANN. § 443.017, are either true and correct copies of records of Millennium Title and were received from the custody of Millennium Title or found among its effects, or were created by and filed with the Receiver's office in connection with the receivership of this delinquent agency, and are held by the Special Deputy Receiver in its official capacity."

By: *Susan E. Salch*
Susan E. Salch

SUBSCRIBED AND SWORN TO BEFORE ME on February 10, 2016, by Susan E. Salch, Special Deputy Receiver of Millennium Closing Services LLC, d/b/a Millennium Title.



Olga L. Rebeles
Notary Public, State of Texas

Printed Name: *Olga L. Rebeles*

Notary's Seal:

My Commission Expires: *August 15, 2016*