

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

53rd JUDICIAL DISTRICT

Filed in The District Court  
of Travis County, Texas

FEB 25 2016 E.C.

At 2:30 P.M.  
Velva L. Price, District Clerk

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

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On the undersigned date, the Court called for hearing the Application for a Temporary Injunction (the "Application") submitted 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, a/k/a Nancy Spinks; 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 and that all parties have been served.

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 the Application was verified as required by the Texas Rules of Civil Procedure, 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 on January 25, 2016, this Court entered its *Agreed Order Appointing Liquidator and Permanent Injunction* (the "Liquidation Order") putting Millennium Title into permanent receivership. The individuals who controlled Millennium Title, Nancy Jackson Carroll, Shelby Carroll, and their affiliates including, but not limited to, NJC Carroll Law, PLLC, were specifically enjoined in the Liquidation Order.

The Court finds that on February 2, 2016, the Court entered its *Order Granting SDR's Application for Temporary Restraining Order*.

The Court finds that on February 11, 2016, the Court entered its *Order Granting SDR's Application for a Temporary Injunction and for an Extension of Temporary Restraining Order*.

The Court finds that the orders and writs of injunction have been served upon the Carroll Respondents and the Bank Respondents.

The Court finds that when called for hearing on February 25, 2016 that the Carroll Respondents and the Bank Respondents although having been duly served, failed to appear.

The court expressly finds that it is not making any determination by way of this order that the funds and other assets that are the subject of the injunction are or are not property of the receivership estate.

Subject to the finding above, the Court finds that bank accounts in the name of Ms. Carroll and her aliases and/or d/b/as ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC; and PSS Title and the records and statements of such accounts are now subject to the Liquidation Order, including but not limited to the SDR's right to take possession and control of such records pursuant to TEX. INS. CODE §443.017(a).

Having considered the Application, the exhibits, and the applicable law, the Court finds that the SDR's Application for a Temporary Injunction as to the Carroll Respondents and the Bank Respondents should be granted.

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

1. The SDR's Application for a Temporary Injunction against the Carroll Respondents and the Bank Respondents is GRANTED.
2. The Carroll Respondents and their 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. The Bank Respondents are further enjoined to produce to the SDR

within ten (10) business days all bank records, account statements and communications with Nancy B. Carroll a/k/a Nancy Jackson Carroll, a/k/a Nancy Carroll, a/k/a Nancy Spinks; Shelby 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. The SDR shall pay all reasonable costs of complying with the record order, including costs of reproduction, postage, research, and delivery. The SDR and the Bank Respondents may agree on alternative dates for the production.

4. The Court further finds that this order is without prejudice to the relief sought by Maverick Title of Texas L.L.C. d/b/a Texas Title in its pending Motion for Relief from Automatic Stay including, but not limited to, its challenge to the Receivership Court's jurisdiction over the property of Nancy Jackson Carroll and NJC Carroll Law.
5. 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.
6. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this matter is set for hearing on the SDR's application for a permanent injunction on May 23, 2016 at 9:00 a.m. at the Travis County Civil District Courthouse.
7. The Clerk of the Court is ORDERED to issue writs of temporary injunction to Ms. Carroll; ZAPP TRUST; Southwest Bank Acquisitions, LP; SWBANKACQ, LLC; PSS Title; Prosperity Bank; Independent Bank f/k/a Grand Bank; Capitol

One 360; and Wells Fargo Bank, N.A, in compliance with the terms of this Order.

8. Ms. Carroll, individually and d/b/a for PSS Title, Southwest Bank Acquisitions, LP, SWBANKACQ, LLC and ZAPP Trust, may be served with this order and related writ wherever located including, but not limited to, Ms. Carroll at the Lake County Jail, 20 S. Country Street, Waukegan, Illinois 60085 by and through its designated facility representative.

Signed on this 25 day of February, 2016 at <sup>2:23</sup> 2:23 p.m.

  
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JUDGE PRESIDING