

777
2007CI11748
 NO. _____

MANDOMAN MANAGEMENT, INC.,
Trustee of 433 Marquette Land Trust,

Plaintiff,

v.

VCH FUNDING CORP.
Defendant.

IN THE DISTRICT COURT

150th

JUDICIAL DISTRICT

**PROCESS DEPT
 CRT**

OF BEXAR COUNTY, TEXAS

PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

Mandoman Management, Inc., Plaintiff herein, files this Application for Temporary Restraining Order and Temporary Injunction against VCH Funding Corp., Defendant, and shows the court the following:

PARTIES AND SERVICE

1. Plaintiff, Mandoman Management, Inc. is the Trustee of 433 Marquette Land Trust.
2. Defendant VCH Funding Corp., a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to article 2.11(A) of the Texas Business Corporation Act, or its successor statute, sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, Vincent C. Hennessy, at 9235 Katy Freeway, Houston, TX 77024, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This court has jurisdiction over the parties because Defendant is a Texas resident.

5. Venue in Bexar County is proper in this cause under Section 15.011 of the Texas Civil Practice and Remedies Code because this action involves real property as provided by said Section, and this county is where all or part of the real property is located.

FACTS

6. Defendant loaned money to Plaintiff for the purchase of real property situated in Bexar County, to-wit:

The East 5 feet of Lot 9 and the West 55 feet of Lot 10, Block 31, New City Block 9591, UNIVERSITY PARK SUBDIVISION, UNIT FOUR, an addition to City of San Antonio, Bexar County, Texas, according to map or plat thereof recorded in Volume 2222, Page 345, Deed and Plat Records of Bexar County, Texas.

Plaintiff has arranged alternative financing to pay the Defendant's loan in full, and needs about one week to close the new loan transaction and pay Defendant in full.

7. The foreclosure sale has been scheduled for 10:00 a.m., August 7, 2007, at the South steps of the Bexar County Courthouse. Unless VCH Funding Corp., Defendant herein, is immediately enjoined and restrained, Defendant will suffer irreparable loss in that Plaintiff will lose its equity in the subject property.

ELEMENTS FOR INJUNCTIVE RELIEF

8. In light of the above described facts, Plaintiff seeks recovery from Defendant.

9. Plaintiff is likely to succeed on the merits of this lawsuit because Defendant will be paid in full, with interest, and will suffer no harm as a result of this Temporary Restraining Order, leaving Plaintiff to enjoy the profit from the underlying transaction, with no harm to Defendant.

10. Unless this Honorable Court immediately restrains the Defendant, the 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 the court the following:

A. The harm to Plaintiff is imminent because the foreclosure sale is scheduled for August 7, 2007 at 10:00 a.m.

B. This imminent harm will cause Plaintiff irreparable injury in that Plaintiff will lose its equity in the subject property.

C. There is no adequate remedy at law that will give Plaintiff complete, final and equal relief because the foreclosure sale will take place today if this Court does not grant the relief requested.

BOND

11. Plaintiff is willing to post a reasonable temporary restraining order bond and requests the court to set such bond.

REMEDY

12. Plaintiff has met Plaintiff's 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.

13. Plaintiff requests the court to restrain Defendant from proceeding with the foreclosure sale later today, and to provide timely payoff information to Plaintiff, pending Plaintiff's closing on its new loan which will pay Defendant in full.

14. It is essential that the court immediately and temporarily restrain VCH Funding Corp., Defendant herein, from proceeding with the foreclosure sale on August 7, 2007 between 10:00 a.m. and 1:00 p.m., and it is essential that the court act immediately, prior to giving notice to Defendant and a hearing on the matter because no time remains to give notice and hold a hearing prior to the scheduled foreclosure sale.

15. In order to preserve the status quo during the pendency of this action, Plaintiff requests that the Defendant be temporarily enjoined from proceeding with the foreclosure sale of the subject property on August 7, 2007, and to provide timely payoff information to Plaintiff in order to allow Plaintiff to finalize its new loan from which Defendant will be paid in full.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Mondoman Management, Inc., Plaintiff herein, respectfully prays that:

- A. VCH Funding Corp., Defendant, will be cited to appear and answer herein;
- B. A temporary restraining order will issue without notice to VCH Funding Corp., Defendant, restraining Defendant, Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007;
- C. The Court sets a reasonable bond for the temporary restraining order;
- D. After notice and hearing, a temporary injunction will issue enjoining and restraining VCH Funding Corp., Defendant, Defendant's officers, agents, servants, employees, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, and enjoining Defendant from interfering with Plaintiff's closing of its new financing;
- E. For such other and further relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: 

L. Terry George

Texas Bar No. 07806000

P. O. Box 460897

San Antonio, TX 78246

Tel. (210)408-8271

Fax. (210)408-8293

Attorney for Plaintiff

CRT

PROCESS DEPT.

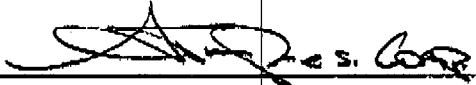
VERIFICATION

STATE OF TEXAS

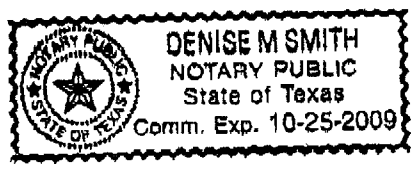
COUNTY OF BEXAR

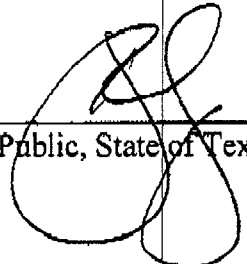
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BEFORE ME, the undersigned authority, personally appeared Armando Montelongo, Jr., President of Mandoman Management, Inc., the Trustee of the 433 Marquette Land Trust, who, on oath, stated that the statements made in the foregoing Application for Temporary Restraining Order and Temporary Injunction are true and correct.


Armando Montelongo, Jr.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 6th day of August, 2007, to certify which witness my hand and seal of office.




Notary Public, State of Texas

TRUST**2007CI11748**

NO. _____

**MANDOMAN MANAGEMENT, INC.,
Trustee of 433 Marquette Land Trust,****Plaintiff,****V.****VCH FUNDING CORP.
Defendant.**§
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§**150th****IN THE DISTRICT COURT****JUDICIAL DISTRICT****OF BEXAR COUNTY, TEXAS****TEMPORARY RESTRAINING ORDER**

On August 7, 2007, the Application for a Temporary Restraining Order of Mandoman Management, Inc., Plaintiff herein, was heard before this court.

Based upon the pleadings, records, documents filed by counsel, and the arguments of counsel at the hearing, IT CLEARLY APPEARS:

A. That unless VCH Funding Corp., Defendant, is immediately restrained from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, that VCH Funding Corp. will commit the foregoing before notice and a hearing on Plaintiff's Application for Temporary Injunction.

B. Plaintiff will suffer irreparable harm if VCH Funding Corp. is not restrained immediately because Plaintiff will suffer loss of its equity in the real property in question and there is no adequate remedy at law to grant Plaintiff complete, final and equal relief.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that VCH Funding Corp., Defendant herein, and all of Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys are ORDERED to immediately cease and desist from proceeding with the foreclosure sale on August 7, 2007, from the date of entry of this order until fourteen (14) days thereafter, or until further order of this Court.

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TRUST FUND PAID _____**SECRET**

VOL 3071 PG0141

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Application for Temporary Injunction be heard on August ¹⁰~~9~~, 2007, at 2:45^A M in the Presiding District Court of Bexar County, Texas. Defendant, VCH Funding Corp. is commanded to appear at that time and show cause, if any exist, why a temporary injunction should not be issued against said Defendant.

The clerk of the above-entitled court shall issue a temporary restraining order in conformity with the law and the terms of this order upon the filing by Plaintiff of the bond hereinafter set.

This order shall not be effective until Plaintiff deposits with the Clerk, a bond in the amount of \$ 100.⁰⁰ in conformity with the law.

SIGNED and ENTERED on August 7, 2007, at 9:45⁴⁵ A.M.

Carl H. Knight - Sloan
PRESIDING JUDGE

VOL 3071PG0142

Certificate of District Clerk

Plaintiff(s) Has Made Cash Deposit In Lieu Of
Temporary Restraining Order Bond

The State of Texas
County of Bexar

150TH District Court

I **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in and for Bexar County, Texas, do hereby certify that, Mandoman Management, Inc. Trustee of 433 Marquette Land Trust Plaintiff(s) in Cause No. 2007CI11748 styled: Mandoman Management, Inc of Trustee of 433 Marquette Land Trust Vs VCH Funding Corp have this day deposited the sum of One Hundred Dollars (\$100.00) cash, which is the amount ordered by the Court in lieu of a Temporary Restraining Order Bond.

WITNESS, **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in the City of San Antonio, Texas. Given under my hand and seal of said Courts at office in the City of San Antonio, Texas, this 7th day of August, A.D., 2007

MARGARET G. MONTEMAYOR
District Clerk, Bexar County, Texas

BY: 
Corinne Ramirez, Deputy

**** RECEIPT REQUIRED FOR REFUND OF FUNDS**

2007 CI 11749

MANDOMAN MANAGEMENT, INC.,
Trustee of San Bernardo Land Trust,

Plaintiff,

V.

VCH FUNDING CORP.
Defendant.

IN THE DISTRICT COURT

JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

**PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

Mandoman Management, Inc., Plaintiff herein, files this Application for Temporary Restraining Order and Temporary Injunction against VCH Funding Corp., Defendant, and shows the court the following:

PARTIES AND SERVICE

1. Plaintiff, Mandoman Management, Inc. is the Trustee of San Bernardo Land Trust.
2. Defendant VCH Funding Corp., a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to article 2.11(A) of the Texas Business Corporation Act, or its successor statute, sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, Vincent C. Hennessy, at 9235 Katy Freeway, Houston, TX 77024, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This court has jurisdiction over the parties because Defendant is a Texas resident.

5. Venue in Bexar County is proper in this cause under Section 15.011 of the Texas Civil Practice and Remedies Code because this action involves real property as provided by said Section, and this county is where all or part of the real property is located.

FACTS

6. Defendant loaned money to Plaintiff for the purchase of real property situated in Bexar County, to-wit:

Lots 27-28, Block 38, New City Block 8656, WEST LAWN PARK ADDITION, TRACT NO. 2, in the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 980, Page(s) 369, Deed and Plat Records of Bexar County, Texas.

Plaintiff has arranged alternative financing to pay the Defendant's loan in full, and needs about one week to close the new loan transaction and pay Defendant in full.

7. The foreclosure sale has been scheduled for 10:00 a.m., August 7, 2007, at the South steps of the Bexar County Courthouse. Unless VCH Funding Corp., Defendant herein, is immediately enjoined and restrained, Defendant will suffer irreparable loss in that Plaintiff will lose its equity in the subject property.

ELEMENTS FOR INJUNCTIVE RELIEF

8. In light of the above described facts, Plaintiff seeks recovery from Defendant.

9. Plaintiff is likely to succeed on the merits of this lawsuit because Defendant will be paid in full, with interest, and will suffer no harm as a result of this Temporary Restraining Order, leaving Plaintiff to enjoy the profit from the underlying transaction, with no harm to Defendant.

10. Unless this Honorable Court immediately restrains the Defendant, the 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 the court the following:

A. The harm to Plaintiff is imminent because the foreclosure sale is scheduled for August 7, 2007 at 10:00 a.m.

B. This imminent harm will cause Plaintiff irreparable injury in that Plaintiff will lose its equity in the subject property.

C. There is no adequate remedy at law that will give Plaintiff complete, final and equal relief because the foreclosure sale will take place today if this Court does not grant the relief requested.

BOND

11. Plaintiff is willing to post a reasonable temporary restraining order bond and requests the court to set such bond.

REMEDY

12. Plaintiff has met Plaintiff's 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.

13. Plaintiff requests the court to restrain Defendant from proceeding with the foreclosure sale later today, and to provide timely payoff information to Plaintiff, pending Plaintiff's closing on its new loan which will pay Defendant in full.

14. It is essential that the court immediately and temporarily restrain VCH Funding Corp., Defendant herein, from proceeding with the foreclosure sale on August 7, 2007 between 10:00 a.m. and 1:00 p.m., and it is essential that the court act immediately, prior to giving notice to Defendant and a hearing on the matter because no time remains to give notice and hold a hearing prior to the scheduled foreclosure sale.

15. In order to preserve the status quo during the pendency of this action, Plaintiff requests that the Defendant be temporarily enjoined from proceeding with the foreclosure sale of the subject property on August 7, 2007, and to provide timely payoff information to Plaintiff in order to allow Plaintiff to finalize its new loan from which Defendant will be paid in full.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Mondoman Management, Inc., Plaintiff herein, respectfully prays that:

- A. VCH Funding Corp., Defendant, will be cited to appear and answer herein;
- B. A temporary restraining order will issue without notice to VCH Funding Corp., Defendant, restraining Defendant, Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007;
- C. The Court sets a reasonable bond for the temporary restraining order;
- D. After notice and hearing, a temporary injunction will issue enjoining and restraining VCH Funding Corp., Defendant, Defendant's officers, agents, servants, employees, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, and enjoining Defendant from interfering with Plaintiff's closing of its new financing;
- E. For such other and further relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: 

L. Terry George
Texas Bar No. 07806000
P. O. Box 460897
San Antonio, TX 78246
Tel. (210)408-8271
Fax. (210)408-8293
Attorney for Plaintiff

CRT
PROCESS DEPT.

VERIFICATION

STATE OF TEXAS

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COUNTY OF BEXAR

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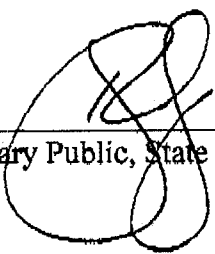
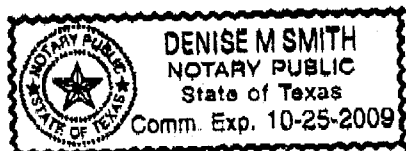
BEFORE ME, the undersigned authority, personally appeared Armando Montelongo, Jr., President of Mandoman Management, Inc., the Trustee of the San Bernardo Land Trust, who, on oath, stated that the statements made in the foregoing Application for Temporary Restraining Order and Temporary Injunction are true and correct.



Armando Montelongo, Jr.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 6th day of August,

2007, to certify which witness my hand and seal of office.


Notary Public, State of Texas

TRUST

2007CI11749

NO. _____

MANDOMAN MANAGEMENT, INC.,
Trustee of San Bernardo Land Trust,

Plaintiff,

V.

VCH FUNDING CORP.
Defendant.

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IN THE DISTRICT COURT

166th

JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On August 7, 2007, the Application for a Temporary Restraining Order of Mandoman Management, Inc., Plaintiff herein, was heard before this court.

Based upon the pleadings, records, documents filed by counsel, and the arguments of counsel at the hearing, IT CLEARLY APPEARS:

A. That unless VCH Funding Corp., Defendant, is immediately restrained from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, that VCH Funding Corp. will commit the foregoing before notice and a hearing on Plaintiff's Application for Temporary Injunction.

B. Plaintiff will suffer irreparable harm if VCH Funding Corp. is not restrained immediately because Plaintiff will suffer loss of its equity in the real property in question and there is no adequate remedy at law to grant Plaintiff complete, final and equal relief.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that VCH Funding Corp., Defendant herein, and all of Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys are ORDERED to immediately cease and desist from proceeding with the foreclosure sale on August 7, 2007, from the date of entry of this order until fourteen (14) days thereafter, or until further order of this Court.

TRUST FUND PAID _____

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Application for Temporary Injunction be heard on August ¹⁰~~9~~, 2007, at 9:45 A.M. in the Presiding District Court of Bexar County, Texas. Defendant, VCH Funding Corp. is commanded to appear at that time and show cause, if any exist, why a temporary injunction should not be issued against said Defendant.

The clerk of the above-entitled court shall issue a temporary restraining order in conformity with the law and the terms of this order upon the filing by Plaintiff of the bond hereinafter set.

This order shall not be effective until Plaintiff deposits with the Clerk, a bond in the amount of \$ 100,000 in conformity with the law.

SIGNED and ENTERED on August 7, 2007, at 9:45 A.M.

Carol A. Knight-Shearn
PRESIDING JUDGE

VOL 3071 PG0134

Certificate of District Clerk

Plaintiff(s) Has Made Cash Deposit In Lieu Of
Temporary Restraining Order Bond



The State of Texas
County of Bexar

166th District Court

I **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in and for Bexar County, Texas, do hereby certify that, Mandoman Management, Inc. Trustee of San Bernardo Land Trust Plaintiff (s) in Cause No. 2007CI11749 styled: Mandoman Management, Inc of Trustee of San Bernardo Land Trust Vs VCH Funding Corp have this day deposited the sum of One Hundred Dollars (\$100.00) cash, which is the amount ordered by the Court in lieu of a Temporary Restraining Order Bond.

WITNESS, **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in the City of San Antonio, Texas. Given under my hand and seal of said Courts at office in the City of San Antonio, Texas, this 7th day of August, A.D., 2007

MARGARET G. MONTEMAYOR
District Clerk, Bexar County, Texas

BY: 
Corinne Ramirez, Deputy

**** RECEIPT REQUIRED FOR REFUND OF FUNDS**

2007CI11750

MANDAMAN MANAGEMENT, INC.,
Trustee of Jesse Land Trust,

Plaintiff,

V.

VCH FUNDING CORP.
Defendant.

IN THE DISTRICT COURT

JUDICIAL DISTRICT

224th

OF BEXAR COUNTY, TEXAS

PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

Mandoman Management, Inc., Plaintiff herein, files this Application for Temporary Restraining Order and Temporary Injunction against VCH Funding Corp., Defendant, and shows the court the following:

PARTIES AND SERVICE

1. Plaintiff, Mandoman Management, Inc. is the Trustee of Jesse Land Trust.
2. Defendant VCH Funding Corp., a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to article 2.11(A) of the Texas Business Corporation Act, or its successor statute, sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, Vincent C. Hennessy, at 9235 Katy Freeway, Houston, TX 77024, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This court has jurisdiction over the parties because Defendant is a Texas resident.
5. Venue in Bexar County is proper in this cause under Section 15.011 of the Texas

Civil Practice and Remedies Code because this action involves real property as provided by said Section, and this county is where all or part of the real property is located.

FACTS

6. Defendant loaned money to Plaintiff for the purchase of real property situated in Bexar County, to-wit:

Lot 13, Block 7, New City Block 7429, VILLA CORONA, City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 1625, Page(s) 281, Deed and Plat Records of Bexar County, Texas.

Plaintiff has arranged alternative financing to pay the Defendant's loan in full, and needs about one week to close the new loan transaction and pay Defendant in full.

7. The foreclosure sale has been scheduled for 10:00 a.m., August 7, 2007, at the South steps of the Bexar County Courthouse. Unless VCH Funding Corp., Defendant herein, is immediately enjoined and restrained, Defendant will suffer irreparable loss in that Plaintiff will lose its equity in the subject property.

ELEMENTS FOR INJUNCTIVE RELIEF

8. In light of the above described facts, Plaintiff seeks recovery from Defendant.

9. Plaintiff is likely to succeed on the merits of this lawsuit because Defendant will be paid in full, with interest, and will suffer no harm as a result of this Temporary Restraining Order, leaving Plaintiff to enjoy the profit from the underlying transaction, with no harm to Defendant.

10. Unless this Honorable Court immediately restrains the Defendant, the 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 the court the following:

A. The harm to Plaintiff is imminent because the foreclosure sale is scheduled for August 7, 2007 at 10:00 a.m.

B. This imminent harm will cause Plaintiff irreparable injury in that Plaintiff will lose its equity in the subject property.

C. There is no adequate remedy at law that will give Plaintiff complete, final and equal relief because the foreclosure sale will take place today if this Court does not grant the relief requested.

BOND

11. Plaintiff is willing to post a reasonable temporary restraining order bond and requests the court to set such bond.

REMEDY

12. Plaintiff has met Plaintiff's 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.

13. Plaintiff requests the court to restrain Defendant from proceeding with the foreclosure sale later today, and to provide timely payoff information to Plaintiff, pending Plaintiff's closing on its new loan which will pay Defendant in full.

14. It is essential that the court immediately and temporarily restrain VCH Funding Corp., Defendant herein, from proceeding with the foreclosure sale on August 7, 2007 between 10:00 a.m. and 1:00 p.m., and it is essential that the court act immediately, prior to giving notice to Defendant and a hearing on the matter because no time remains to give notice and hold a hearing prior to the scheduled foreclosure sale.

15. In order to preserve the status quo during the pendency of this action, Plaintiff requests that the Defendant be temporarily enjoined from proceeding with the foreclosure sale of the subject property on August 7, 2007, and to provide timely payoff information to Plaintiff in order to allow Plaintiff to finalize its new loan from which Defendant will be paid in full.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Mondoman Management, Inc., Plaintiff

herein, respectfully requests:

- A. VCH Funding Corp., Defendant, will be cited to appear and answer herein;
- B. A temporary restraining order will issue without notice to VCH Funding Corp., Defendant, restraining Defendant, Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007;
- C. The Court sets a reasonable bond for the temporary restraining order;
- D. After notice and hearing, a temporary injunction will issue enjoining and restraining VCH Funding Corp., Defendant, Defendant's officers, agents, servants, employees, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, and enjoining Defendant from interfering with Plaintiff's closing of its new financing;
- E. For such other and further relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: 

L. Terry George
Texas Bar No. 07806000
P. O. Box 460897
San Antonio, TX 78246
Tel. (210)408-8271
Fax. (210)408-8293
Attorney for Plaintiff

SECRET
PRO-

VERIFICATION

STATE OF TEXAS

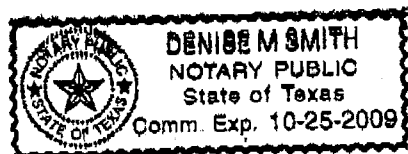
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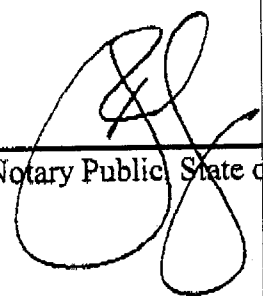
COUNTY OF BEXAR

BEFORE ME, the undersigned authority, personally appeared Armando Montelongo, Jr., President of Mandoman Management, Inc., the Trustee of the Jesse Land Trust, who, on oath, stated that the statements made in the foregoing Application for Temporary Restraining Order and Temporary Injunction are true and correct.


Armando Montelongo, Jr.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 6th day of August, 2007, to certify which witness my hand and seal of office.




Notary Public, State of Texas

2007CI11750

TRUST

NO. _____

MANDOMAN MANAGEMENT, INC.,
Trustee of Jesse Land Trust,

Plaintiff,

V.

VCH FUNDING CORP.
Defendant.

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IN THE DISTRICT COURT

224th

JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On August 7, 2007, the Application for a Temporary Restraining Order of Mandoman Management, Inc., Plaintiff herein, was heard before this court.

Based upon the pleadings, records, documents filed by counsel, and the arguments of counsel at the hearing, IT CLEARLY APPEARS:

A. That unless VCH Funding Corp., Defendant, is immediately restrained from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, that VCH Funding Corp. will commit the foregoing before notice and a hearing on Plaintiff's Application for Temporary Injunction.

B. Plaintiff will suffer irreparable harm if VCH Funding Corp. is not restrained immediately because Plaintiff will suffer loss of its equity in the real property in question and there is no adequate remedy at law to grant Plaintiff complete, final and equal relief.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that VCH Funding Corp., Defendant herein, and all of Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys are ORDERED to immediately cease and desist from proceeding with the foreclosure sale on August 7, 2007, from the date of entry of this order until fourteen (14) days thereafter, or until further order of this Court.

TRUST FUND PAID _____

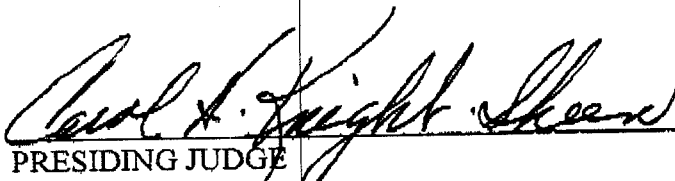
VOL 3071 PG 0131

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Application for Temporary Injunction be heard on August ¹⁰~~9~~, 2007, at 9:48 M in the Presiding District Court of Bexar County, Texas. Defendant, VCH Funding Corp. is commanded to appear at that time and show cause, if any exist, why a temporary injunction should not be issued against said Defendant.

The clerk of the above-entitled court shall issue a temporary restraining order in conformity with the law and the terms of this order upon the filing by Plaintiff of the bond hereinafter set.

This order shall not be effective until Plaintiff deposits with the Clerk, a bond in the amount of \$ 100.00 in conformity with the law.

SIGNED and ENTERED on August 7, 2007, at 9:45 A.M.


PRESIDING JUDGE

VOL 3071 PG 0132

Certificate of District Clerk

Plaintiff(s) Has Made Cash Deposit In Lieu Of
Temporary Restraining Order Bond

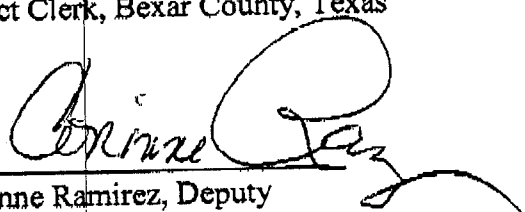
The State of Texas
County of Bexar

224TH District Court

I **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in and for Bexar County, Texas, do hereby certify that, Mandoman Management, Inc. Trustee of Jesse Land Trust Plaintiff(s) in Cause No. 2007CI11750 styled: Mandoman Management, Inc of Trustee Jesse Land Trust Vs VCH Funding Corp have this day deposited the sum of One Hundred Dollars (\$100.00) cash, which is the amount ordered by the Court in lieu of a Temporary Restraining Order Bond.

WITNESS, **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in the City of San Antonio, Texas. Given under my hand and seal of said Courts at office in the City of San Antonio, Texas, this 7th day of August, A.D., 2007

MARGARET G. MONTEMAYOR
District Clerk, Bexar County, Texas

BY: 
Corinne Ramirez, Deputy

**** RECEIPT REQUIRED FOR REFUND OF FUNDS**

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2007CI11751

NO. _____

MANDOMAN MANAGEMENT, INC.,
Trustee of Painted Horse Land Trust,

Plaintiff,

V.

VCH FUNDING CORP.
Defendant.

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IN THE DISTRICT COURT

225th JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

Mandoman Management, Inc., Plaintiff herein, files this Application for Temporary Restraining Order and Temporary Injunction against VCH Funding Corp., Defendant, and shows the court the following:

PARTIES AND SERVICE

1. Plaintiff, Mandoman Management, Inc. is the Trustee of Painted Horse Land Trust.
2. Defendant VCH Funding Corp., a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to article 2.11(A) of the Texas Business Corporation Act, or its successor statute, sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, Vincent C. Hennessy, at 9235 Katy Freeway, Houston, TX 77024, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This court has jurisdiction over the parties because Defendant is a Texas resident.

5. Venue in Bexar County is proper in this cause under Section 15.011 of the Texas Civil Practice and Remedies Code because this action involves real property as provided by said Section, and this county is where all or part of the real property is located.

FACTS

6. Defendant loaned money to Plaintiff for the purchase of real property situated in Bexar County, to-wit:

Lot 52, Block 9, New City Block 15979, LACKLAND CITY SUBDIVISION UNIT 210, in the City of San Antonio, Bexar County, Texas, according to map or plat thereof recorded in Volume 6700, Page 25, Deed and Plat Records of Bexar County, Texas.

Plaintiff has arranged alternative financing to pay the Defendant's loan in full, and needs about one week to close the new loan transaction and pay Defendant in full.

7. The foreclosure sale has been scheduled for 10:00 a.m., August 7, 2007, at the South steps of the Bexar County Courthouse. Unless VCH Funding Corp., Defendant herein, is immediately enjoined and restrained, Defendant will suffer irreparable loss in that Plaintiff will lose its equity in the subject property.

ELEMENTS FOR INJUNCTIVE RELIEF

8. In light of the above described facts, Plaintiff seeks recovery from Defendant.

9. Plaintiff is likely to succeed on the merits of this lawsuit because Defendant will be paid in full, with interest, and will suffer no harm as a result of this Temporary Restraining Order, leaving Plaintiff to enjoy the profit from the underlying transaction, with no harm to Defendant.

10. Unless this Honorable Court immediately restrains the Defendant, the 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 the court the following:

A. The harm to Plaintiff is imminent because the foreclosure sale is scheduled for August 7, 2007 at 10:00 a.m.

B. This imminent harm will cause Plaintiff irreparable injury in that Plaintiff will lose its equity in the subject property.

C. There is no adequate remedy at law that will give Plaintiff complete, final and equal relief because the foreclosure sale will take place today if this Court does not grant the relief requested.

BOND

11. Plaintiff is willing to post a reasonable temporary restraining order bond and requests the court to set such bond.

REMEDY

12. Plaintiff has met Plaintiff's 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.

13. Plaintiff requests the court to restrain Defendant from proceeding with the foreclosure sale later today, and to provide timely payoff information to Plaintiff, pending Plaintiff's closing on its new loan which will pay Defendant in full.

14. It is essential that the court immediately and temporarily restrain VCH Funding Corp., Defendant herein, from proceeding with the foreclosure sale on August 7, 2007 between 10:00 a.m. and 1:00 p.m., and it is essential that the court act immediately, prior to giving notice to Defendant and a hearing on the matter because no time remains to give notice and hold a hearing prior to the scheduled foreclosure sale.

15. In order to preserve the status quo during the pendency of this action, Plaintiff requests that the Defendant be temporarily enjoined from proceeding with the foreclosure sale of the subject property on August 7, 2007, and to provide timely payoff information to Plaintiff in order to allow Plaintiff to finalize its new loan from which Defendant will be paid in full.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Mondoman Management, Inc., Plaintiff herein, respectfully prays that;

- A. VCH Funding Corp., Defendant, will be cited to appear and answer herein;
- B. A temporary restraining order will issue without notice to VCH Funding Corp., Defendant, restraining Defendant, Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007;
- C. The Court sets a reasonable bond for the temporary restraining order;
- D. After notice and hearing, a temporary injunction will issue enjoining and restraining VCH Funding Corp., Defendant, Defendant's officers, agents, servants, employees, successors and assigns, and attorneys from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, and enjoining Defendant from interfering with Plaintiff's closing of its new financing;
- E. For such other and further relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: 

L. Terry George
Texas Bar No. 07806000
P. O. Box 460897
San Antonio, TX 78246
Tel. (210)408-8271
Fax. (210)408-8293
Attorney for Plaintiff

VERIFICATION

STATE OF TEXAS

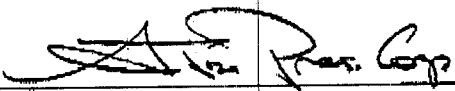
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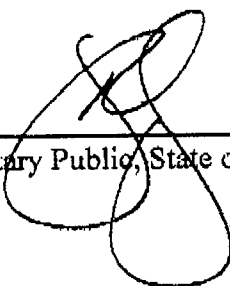
COUNTY OF BEXAR

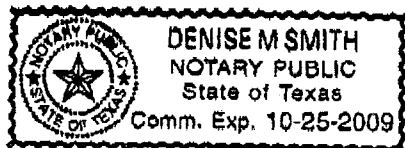
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BEFORE ME, the undersigned authority, personally appeared Armando Montelongo, Jr., President of Mandoman Management, Inc., the Trustee of the Painted Horse Land Trust, who, on oath, stated that the statements made in the foregoing Application for Temporary Restraining Order and Temporary Injunction are true and correct.


Armando Montelongo, Jr.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 6th day of August, 2007, to certify which witness my hand and seal of office.


Notary Public, State of Texas



2007CI11751**TRUST**

NO. _____

**MANDOMAN MANAGEMENT, INC.,
Trustee of Painted Horse Land Trust,****Plaintiff,****V.****VCH FUNDING CORP.****Defendant.****IN THE DISTRICT COURT****225th****JUDICIAL DISTRICT****OF BEXAR COUNTY, TEXAS****TEMPORARY RESTRAINING ORDER**

On August 7, 2007, the Application for a Temporary Restraining Order of Mandoman Management, Inc., Plaintiff herein, was heard before this court.

Based upon the pleadings, records, documents filed by counsel, and the arguments of counsel at the hearing, IT CLEARLY APPEARS:

A. That unless VCH Funding Corp., Defendant, is immediately restrained from directly or indirectly proceeding with the foreclosure sale on August 7, 2007, that VCH Funding Corp. will commit the foregoing before notice and a hearing on Plaintiff's Application for Temporary Injunction.

B. Plaintiff will suffer irreparable harm if VCH Funding Corp. is not restrained immediately because Plaintiff will suffer loss of its equity in the real property in question and there is no adequate remedy at law to grant Plaintiff complete, final and equal relief.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that VCH Funding Corp., Defendant herein, and all of Defendant's officers, agents, servants, employees, agents, servants, successors and assigns, and attorneys are ORDERED to immediately cease and desist from proceeding with the foreclosure sale on August 7, 2007, from the date of entry of this order until fourteen (14) days thereafter, or until further order of this Court.

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TRUST FUND PAID

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Application for Temporary Injunction be heard on Aug 10, 2007, at 9:45 .M in the Presiding District Court of Bexar County, Texas. Defendant, VCH Funding Corp. is commanded to appear at that time and show cause, if any exist, why a temporary injunction should not be issued against said Defendant.

The clerk of the above-entitled court shall issue a temporary restraining order in conformity with the law and the terms of this order upon the filing by Plaintiff of the bond hereinafter set.

This order shall not be effective until Plaintiff deposits with the Clerk, a bond in the amount of \$ 100.00 in conformity with the law.

SIGNED and ENTERED on Aug. 7, 2007, at 9:45 A.M.

Carl H. Knight - Shear
PRESIDING JUDGE

Certificate of District Clerk

Plaintiff(s) Has Made Cash Deposit In Lieu Of
Temporary Restraining Order Bond

The State of Texas
County of Bexar

225TH District Court

I **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in and for Bexar County, Texas, do hereby certify that, Mandoman Management, Inc. Trustee of Painted Horse Land Trust Plaintiff(s) in Cause No. 2007CI11751 styled: Mandoman Management, Inc of Trustee of Painted Horse Land Trust Vs VCH Funding Corp have this day deposited the sum of One Hundred Dollars (\$100.00) cash, which is the amount ordered by the Court in lieu of a Temporary Restraining Order Bond.

WITNESS, **MARGARET G. MONTEMAYOR**, Clerk of the District Courts in the City of San Antonio, Texas. Given under my hand and seal of said Courts at office in the City of San Antonio, Texas, this 7th day of August, A.D., 2007

MARGARET G. MONTEMAYOR
District Clerk, Bexar County, Texas

BY:
Corinne Ramirez, Deputy

**** RECEIPT REQUIRED FOR REFUND OF FUNDS**