

U.S.C. § 1446(b). There is record of service on Defendant at this time. *See* Ex. C-4.

3. This Notice of Removal will be filed with the 366th Judicial District Court of Collin County, Texas and a copy of this Notice of Removal will also be served on the Plaintiffs' counsel. In accordance with Local Rule CV-81, attached are the following:

Exhibit A: A list of all parties in the case, their party type, and current status of the removed case.

Exhibit B: The state court docket sheet.

Exhibit C: A copy of all pleadings that assert causes of action, all answers to such pleadings, and a copy of all process and orders served upon the party removing the case to this court.

Exhibit D: A complete list of the attorneys involved in the action, a record of the party that requested trial by jury, if any, and the name and address of the court from which the case is being removed.

4. Also in accordance with Local Rule CV-81, Defendant has filed contemporaneously with this Notice a civil cover sheet.

Ground for Removal: Diversity

5. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, in that this is a civil action where the matter in controversy exceeds \$75,000, and is between citizens of different States; specifically:

(a) **The Amount in Controversy Exceeds the Federal Minimum Jurisdictional Requirements**

6. Plaintiffs' Petition seeks a declaration that Defendant has no interest in the property located at 1509 Pagewynne Drive, Plano Texas 75093 (the "Property"). *See* C-1 at 5. According to the Collin Central Appraisal District, the certified appraised value for the Property is \$222,245.

7. "In actions seeking declaratory or injunctive relief the amount in controversy is

measured by the value of the object of the litigation.” *Leininger v. Leininger*, 705 F.2d 727, 729 (5th Cir. 1983). In other words, “[t]he amount in controversy, in an action for declaratory or injunctive relief, is the value of the right to be protected or the extent of the injury to be prevented.” *St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1252-53 (5th Cir. 1998). Accordingly, in light of the value of the subject property, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000.

(b) **There is Complete Diversity between Defendant and Plaintiffs**

8. Under the diversity statute, corporations “shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business....” 28 U.S.C. § 1332(c)(1).

9. Plaintiffs were, at the time of filing this action, have been at all times since, and still are individual resident citizens of the State of Virginia. *See Ex. C-1 at 1*. For purposes of diversity, an individual is a citizen of the state of their domicile, which is the place of their true, fixed, and permanent home and principal establishment, to which they have the intention of returning home whenever they are absent there from. *See Stine v. Moore*, 213 F.2d 446, 448 (5th Cir. 1954).

10. Defendant JPMC was, at the time of the filing of this action, has been at all times since, and still is a national association with its main office, as designated by its articles of association, in Columbus, Ohio. A national bank is a citizen of the state in which its main office, as set forth in its articles of association, is located. *See Wachovia Bank, N.A. v. Schmidt*, 126 S.Ct. 941 (2006). Accordingly, JPMC is a citizen of Ohio.

11. As JPMC is a citizen of Ohio, while Plaintiffs are citizens of Virginia, but not Ohio, complete diversity of citizenship exists between Plaintiffs and Defendant.

12. Pursuant to 28 U.S.C. § 1332(a), this court has original jurisdiction over this matter as the amount in controversy meets the federal jurisdictional minimum and there is a complete diversity of citizenship between Plaintiffs and Defendant.

13. There has not been any adjudication on the merits of the Complaint in the state court action that would deprive Defendant of the right of removal. *See Beighley v. Federal Deposit Ins. Corp.*, 868 F.2d 776, 782 (5th Cir. 1989) (“in general, ‘the right of removal is not lost by action in the state court short of proceeding to an adjudication on the merits.’” (*quoting* 1A Moore, Federal Practice P 0.157[9] at 153 (1987))).

WHEREFORE, JPMorgan Chase Bank, N.A. prays that the above-described action now pending in the 366th District Court of Collin County, Texas, be removed to this Court.

Respectfully submitted,

/s/ Wm. Lance Lewis
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served in accordance with the Federal Rules of Civil Procedure on July 22, 2011, as follows:

Via Certified Mail Return Receipt Requested

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