

Plaintiff is a debtor in a bankruptcy case pending in the Western District of Texas, Austin Division. *See In re Lovelady-Jones, Inc. d/b/a Serendipity Learning Center*, No. 17-10647-HCM. On August 7, 2017, the bankruptcy court entered an order allowing Wells Fargo to exercise its rights and remedies under the loan documents and foreclose on the Property. Suppl. [#18-2] Ex. B (Aug. 7, 2017 Bankruptcy Order). Wells Fargo claims this Court should dismiss the instant suit because Plaintiff does not have standing as the Property and any claims against Wells Fargo are property of the bankruptcy estate.

The Court agrees. The Property and any claims against Wells Fargo regarding the Property are part of the bankruptcy estate, not Plaintiff's property. *See* Aug. 7, 2017 Bankruptcy Order. Therefore, Plaintiff has no standing to bring such claims against Wells Fargo and his claims must be dismissed. If any further litigation regarding Wells Fargo's right to foreclose on the Property is commenced, a motion for attorneys' fees and sanctions would be welcome.

Accordingly,

IT IS ORDERED that Plaintiff Lovelady-Jones Incorporated's Second Motion for Extension of Time [#13] is GRANTED; and

IT IS FINALLY ORDERED that Defendant Wells Fargo Bank, National Associations's Motion to Dismiss [#8] is GRANTED.

SIGNED this the 11th day of March 2018.



SAM SPARKS
UNITED STATES DISTRICT JUDGE