

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00254-CV

IN RE MTGLQ INVESTORS L.P.

Original Proceeding – Writ of Injunction
From the 58th District Court of Jefferson County, Texas
Trial Cause No. A-201,268

MEMORANDUM OPINION

MTGLQ Investors L.P. (“MTGLQ”) filed a petition for writ of injunction in which MTGLQ asks this Court to enjoin the real parties in interest, James David Salvagio and the Estate of Beverly Salvagio, Deceased, from selling, conveying, or otherwise disposing of the subject property until final disposition of the underlying appeal, Number 09-19-00157-CV. The real parties in interest filed a response on August 19, 2019. In that response, James David Salvagio asserts that he is the independent executor of the Estate of Beverly Salvagio.

The Court is of the opinion that the real parties in interest, James David Salvagio, individually and as independent executor of the Estate of Beverly Salvagio, Deceased, appear to have attempted to sell, convey, or otherwise dispose of the real property that is the subject of the underlying lawsuit with the intention to make this appeal moot, thereby depriving the Court of jurisdiction. *See* Tex. Gov't Code Ann. § 22.221(a) (West Supp. 2018) (empowering Courts of Appeals to issue writs necessary to enforce their jurisdiction).

The Ninth Court of Appeals grants MTGLQ's request for injunctive relief. The Court ENJOINS the real parties in interest, James David Salvagio, individually and in any of his representative capacities, including as the independent executor of the Estate of Beverly Salvagio, Deceased, and as beneficiary and trustee of the James David Salvagio Living Estate Trust, from directly or indirectly selling, conveying, or otherwise disposing of the following property located in Jefferson, County, Texas: Lot Number sixteen (16), in Block Number five (5) of Helena Park, section three (3) addition to the City of Nederland, Jefferson County, Texas, according to the map or plat of record in volume 11, page 4, map records in the office of the County Clerk of said county and state, commonly known as 3119 Nashville, Nederland, Texas 77627.

The injunction shall issue without bond and shall continue in effect until this Court's mandate has issued in the underlying appeal, appeal number 09-19-00157-CV, styled *New Penn Financial LLC d/b/a Shellpoint Mortgage Servicing and MTGLQ Investors L.P. v. Beverly Salvagio and James David Salvagio*, or until further order of this Court. The Clerk of the Court is directed to issue the writ of injunction.

PETITION GRANTED.

PER CURIAM

Submitted on August 19, 2019
Opinion Delivered August 21, 2019

Before Kreger, Horton, and Johnson, JJ.