

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|   |   |                                |
|---|---|--------------------------------|
| <b>In re:</b>   | § |                                |
|   | § |                                |
| <b>Garden Oaks Maintenance<br/>Organization, Inc.,<br/>Debtor</b> | § | <b>Case No. 18-60018-H2-11</b> |
|   | § |                                |
|   | § |                                |
|   | § |                                |

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**OBJECTION TO CLAIM #450  
FILED BY MICHAEL AND JENNETTE MORENO**

**THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED WITHOUT A HEARING.**

**A HEARING HAS BEEN SET FOR THIS OBJECTION FOR JANUARY 25, 2021 AT 2:00PM, COURTROOM 400, 4<sup>TH</sup> FLOOR, 515 RUSK, HOUSTON, TX 77002.**

1. The Debtor filed a voluntary chapter 11 petition on April 11, 2018.
2. The Debtor was unable to confirm a plan, and the case was converted to a chapter 7 on June 6, 2019.
3. Randy Williams was appointed Chapter 7 Trustee.
4. On July 16, 2019, the Trustee issued his *Notice of Assets*, with a claims bar date of October 21, 2019.

5. On August 6, 2020, Michael and Jennette Moreno filed claim #450, asserting an unsecured claim in the amount of \$4,875.00.
6. Claim #450 is a duplicate of Claim #10, which was also filed by the Moreno's, for the same unsecured amount.
7. The Trustee asks the Court to disallow the duplicate claim, Claim #450.

**WHEREFORE**, the Trustee requests the Court to disallow Claim #450 as it is a duplicate of claim #10, and to grant him such other and further relief, at law or in equity, to which he may be justly entitled.

**Dated:** December 23, 2020.

Respectfully submitted,

By: /s/ Johnie Patterson

Johnie Patterson

State ID# 15601700

COUNSEL FOR THE CHAPTER 7  
TRUSTEE

OF COUNSEL:

WALKER & PATTERSON, P.C.

P.O. Box 61301

Houston, TX 77208

713.956.5577

713.956.5570 (fax)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Objection* was served upon Michael and Jennette Moreno, 811 W. 42<sup>nd</sup> St., Houston, TX 77018, by first class, U.S. mail, postage prepaid on December 23, 2020.

By: /s/ Johnie Patterson

Johnie Patterson

Fill in this information to identify the case:

Debtor 1

Garden Oaks Maintenance Organization (GOMO)Debtor 2  
(Spouse, if filing)United States Bankruptcy Court for the Southern District of Texas

Case number

18-60018United States Courts  
Southern District of Texas  
FILED

AUG 06 2020

David J. Bradley, Clerk of Court

## Official Form 410

## Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

## Part 1: Identify the Claim

1. Who is the current creditor?

Michael and Jenette Moreno  
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?

☒ No☐ Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?

Federal Rule of  
Bankruptcy Procedure  
(FRBP) 2002(g)

Where should notices to the creditor be sent?

Michael and Jenette Moreno  
Name811 W 42nd St  
Number StreetHouston, TX 77018  
City State ZIP Code

Contact phone

725 2473226

Contact email

jenpal111@gmail.com

Where should payments to the creditor be sent? (if different)

Name

Number

Street

City

State

ZIP Code

Contact phone

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
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4. Does this claim amend one already filed?

☐ No☒ Yes. Claim number on court claims registry (if known) 10-1Filed on 05 30 2018  
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No☐ Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 4,875.00 Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
 Limit disclosing information that is entitled to privacy, such as health care information.

GOM was improperly formed and illegally collected a transfer fee from us on 2/27/2017

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.  
**Nature of property:**  
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ \_\_\_\_\_

Amount of the claim that is secured: \$ \_\_\_\_\_

Amount of the claim that is unsecured: \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ \_\_\_\_\_

Annual Interest Rate (when case was filed) \_\_\_\_\_%

- ☐ Fixed  
☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ \_\_\_\_\_

☐ Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

08/04/2020  
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name

Jennette

Polac

Mareno

First name

Middle name

Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

811 W42nd St

Number

Street

Houston

City

TX

State

77018

ZIP Code

Contact phone

225 247 3226

Email

jenniferpolac@gmail.com

American Land Title Association

ALTA Settlement Statement - Combined

Adopted 05-01-2015

File No./Escrow No.: 17000414

Old Republic National Title Insurance

Print Date &amp; Time: 02/27/17 9:54 AM

Company

Officer/Escrow Officer: Terry Baca

ALTA Universal ID:

Settlement Location: Old Republic

777 Post Oak Blvd

National Title Insurance Company

Houston, TX 77056

**Property Address:**

Lot 42, Block 35, Section 3, GARDEN OAKS , a subdivision in Harris County, TX,  
according to the map or plat thereof recorded in Volume , Page , o  
811 W. 42nd St.  
Houston, TX 77018

**Buyer:**

Michael Moreno and Jennette Palcic Moreno  
4007 Ash Hollow Dr.  
Houston, TX 77082

**Seller:**

Brooke Benestante Curry a/k/a Brook Benestante Curry and Casey Don Curry and  
Michael S. Benestante

**Lender:**

Wells Fargo Bank, N.A.

**Settlement Date:**

02/27/2017

**Disbursement Date:**

02/27/2017

**Additional dates per state requirements:**

| Seller     |              | Description  | Borrower/Buyer |              |
|------------|--------------|--|----------------|--------------|
| Debit      | Credit       |  | Debit          | Credit       |
|            |              | <b>Financial</b>   |                |              |
|            |              | Deposit  |                | \$6,000.00   |
|            |              | Loan Amount  |                | \$520,000.00 |
|            | \$650,000.00 | Sale Price of Property   | \$650,000.00   |              |
|            |              |  |                |              |
|            |              | <b>Prorations/Adjustments</b>                                    |                |              |
| \$1,773.97 |              | All Property Taxes from 01/01/2017 thru 02/27/2017               |                | \$1,773.97   |
| \$3,922.00 |              | Owners Title Policy Credit                                       |                | \$3,922.00   |
| \$100.00   |              | Option Fee   |                | \$100.00     |
| \$3.00     |              | State of Texas Guaranty Fee credit                               |                | \$3.00       |
| \$5,000.00 |              | Seller Credit  |                | \$5,000.00   |
|            |              |  |                |              |
|            |              | <b>Loan Charges to Wells Fargo Bank, N.A.</b>                    |                |              |
|            |              | Prepaid Interest (\$58.77 per day from 02/27/2017 to 03/01/2017) | \$117.54       |              |
|            |              | Processing   | \$990.00       |              |
|            |              | Lender Credits   |                | \$125.00     |
|            |              | Appraisal Fee to Servicelink                                     | \$125.00       |              |
|            |              | Appraisal Fee \$563.00 Borrower-Paid Before Closing              |                |              |
|            |              | Credit Report \$29.88 Borrower-Paid Before Closing               |                |              |
|            |              | Tax Service Fee to Wells Fargo Real Estate Tax Service           | \$105.00       |              |
|            |              |  |                |              |

| Seller      |        | Description  | Borrower/Buyer |        |
|-------------|--------|--|----------------|--------|
| Debit       | Credit |  | Debit          | Credit |
|             |        | <b>Other Loan Charges</b>  |                |        |
|             |        | Loan Doc Prep - Texas Atty to Brown Fowler & Alsup   | \$110.00       |        |
|             |        |  |                |        |
|             |        | <b>Impounds</b>  |                |        |
|             |        | Aggregate Adjustment   | -\$1,696.67    |        |
|             |        | Homeowner's Insurance \$169.67 per month for 3 mo.   | \$509.01       |        |
|             |        | Property Taxes \$930.31 per month for 5 mo.  | \$4,651.55     |        |
|             |        |  |                |        |
|             |        | <b>Title Charges &amp; Escrow / Settlement Charges</b>   |                |        |
| \$75.78     |        | Title - Tax Certificate to Maintenance Information Services, Inc.                                    |                |        |
| \$9.00      |        | Title - E-Recording Fee to Old Republic National Title Insurance Company                             | \$9.00         |        |
| \$425.00    |        | Title - Escrow Fee to Old Republic National Title Insurance Company                                  | \$425.00       |        |
|             |        | Title - Lender's Title Insurance \$3202.00 to Old Republic National Title Insurance Company          | \$100.00       |        |
|             |        | Title - State of Texas Policy Guaranty Fee to Texas Title Insurance                                  | \$3.00         |        |
|             |        | Title - T-19.1 REM OTP Amended Res to Old Republic National Title Insurance Company                  | \$196.10       |        |
|             |        | Title - T17 PUD Endorsement to Old Republic National Title Insurance Company                         | \$25.00        |        |
|             |        | Title - State of Texas Policy Guaranty Fee to Texas Title Insurance                                  | \$3.00         |        |
|             |        | Title - Owner's Title Insurance (optional) \$820.00 to Old Republic National Title Insurance Company | \$3,922.00     |        |
|             |        | Title - T30 Tax deletion MTP/ BNDR ON to Old Republic National Title Insurance Company               | \$20.00        |        |
|             |        | Title - Not yet due/payable (MTP & BIN to Old Republic National Title Insurance Company              | \$5.00         |        |
|             |        | Title - T1R Survey Amendment to Old Republic National Title Insurance Company                        | \$196.10       |        |
|             |        | Title - T19 Res. Endorsement to Old Republic National Title Insurance Company                        | \$160.10       |        |
|             |        | Title - T36 Environmental Prot Lien to Old Republic National Title Insurance Company                 | \$25.00        |        |
|             |        |  |                |        |
|             |        | <b>Commission</b>  |                |        |
| \$19,500.00 |        | Real Estate Commission - Buyer's Realtor to Keller Williams Realty Metropolitan                      |                |        |
| \$13,000.00 |        | Real Estate Commission - Seller's Realtor to Keller Williams Realty Metropolitan                     |                |        |
|             |        |  |                |        |
|             |        | <b>Government Recording and Transfer Charges</b>   |                |        |
|             |        | Recording Fee (Deed) to Old Republic National Title Insurance Company                                | \$20.00        |        |
|             |        | Recording Fee (Mortgage) to Old Republic National Title Insurance Company                            | \$80.00        |        |
| \$20.00     |        | Recording Fee (Notice To Purchasers) to Old Republic   |                |        |



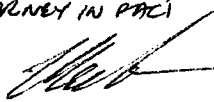
| Seller              |              | Description  | Borrower/Buyer |                     |
|---------------------|--------------|--|----------------|---------------------|
| Debit               | Credit       |  | Debit          | Credit              |
|                     |              | National Title Insurance Company   |                |                     |
| \$32.00             |              | Recording Fee (Power of Attorney) to Old Republic National Title Insurance Company       |                |                     |
|                     |              | Recording Fee (Power of Attorney) to Old Republic National Title Insurance Company       | \$32.00        |                     |
| \$16.00             |              | Recording Fee (Non Homestead Affidavit) to Old Republic National Title Insurance Company |                |                     |
|                     |              |  |                |                     |
|                     |              | <b>Payoff(s)</b>   |                |                     |
|                     |              | Lender: Payoff of First Mortgage Loan to Allegiance Bank \$344,874.93                    |                |                     |
| \$344,874.93        |              | Total (\$344,874.93)   |                |                     |
|                     |              | Lender: Payoff of Second Mortgage Loan to Allegiance Bank \$141,699.80                   |                |                     |
| \$141,699.80        |              | Total (\$141,699.80)   |                |                     |
|                     |              |  |                |                     |
|                     |              | <b>Miscellaneous</b>   |                |                     |
|                     |              | HOA Transfer Fee to Garden Oaks Maintenance Organization                                 | \$4,875.00     |                     |
| \$400.00            |              | Home Warranty (\$450.00) to Landmark Home Warranty                                       |                |                     |
| \$95.00             |              | Warranty Deed to BROWN FOWLER ALSUP  |                |                     |
|                     |              | Homeowner's Insurance Premium to STATE FARM  | \$2,036.00     |                     |
| \$110.00            |              | Doc Prep -Release of Lien to MURRAY & LOBB   |                |                     |
|                     |              |  |                |                     |
| Seller              |              |  | Borrower/Buyer |                     |
| Debit               | Credit       |  | Debit          | Credit              |
| \$531,056.48        | \$650,000.00 | <b>Subtotals</b>   | \$667,043.73   | \$536,923.97        |
|                     |              | <b>Due From Borrower</b>   |                | <b>\$130,119.76</b> |
| <b>\$118,943.52</b> |              | <b>Due To Seller</b>   |                |                     |
| \$650,000.00        | \$650,000.00 | <b>Totals</b>  | \$667,043.73   | \$667,043.73        |



**Acknowledgement**

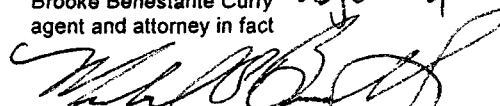
We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Old Republic National Title Insurance Company to cause the funds to be disbursed in accordance with this statement.

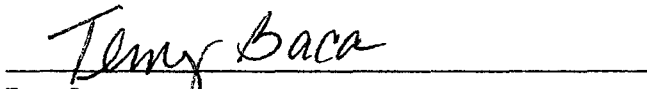
  
Michael Moreno

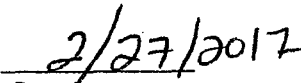
JENNETTE PALCIC MORENO BY  
MICHAEL MORENO ATTORNEY IN FACT  
Jennette Palcic Moreno by  
Michael Moreno agent and  
attorney in fact 

  
Brooke Benestante Curry  
a/k/a Brook Benestante Curry

Casey Don Curry by Brooke Benestante Curry  
Casey Don Curry by  
Brooke Benestante Curry agent & attorney in fact  
agent and attorney in fact

  
Michael S. Benestante

  
Terry Baca

  
Date