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CALIFORNIA FLORIDA LOUISIANA MISSISSIPPI NEW YORK OHIO TEXAS

August 4, 2014

**Via Federal Express**

Burnet County District Clerk  
Courthouse Annex North  
1701 E. Polk Street, Suite 90  
Burnet, Texas 78611

RE: Cause No. 41159; *David McCrae et al. v. PHH Mortgage*;  
In the 424<sup>th</sup> Judicial District Court, Burnet County, Texas

Dear Clerk:

Enclosed please find the original and one copy of PHH Mortgage's Original Answer and Affirmative Defenses to be filed in the above-entitled and numbered cause. Please return a file-stamped copy to me via the enclosed envelope.

Thank you for your assistance in this matter. By copy of this letter, I am forwarding a copy of the same with enclosures to all known attorney(s) of record pursuant to the Texas Rules of Civil Procedure.

Sincerely,

**McGlinchey Stafford, PLLC**



Nathan T. Anderson

NTA/af  
Enclosures

cc: **Via Certified Mail RRR**  
**No. 7196 9008 9111 2892 9039**  
David McCrae  
Barbara McCrae  
350 Cee Run  
Bertram, Texas 78605

CAUSE NO. 41159

DAVID MCCRAE AND BARBARA  
MCCRAE

Plaintiffs,

v.

PHH MORTGAGE

Defendant

§ IN THE DISTRICT COURT  
§  
§  
§  
§  
§ 424TH JUDICIAL DISTRICT  
§  
§  
§  
§  
§  
§ BURNET COUNTY, TEXAS

**DEFENDANT'S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES**

Defendant PHH Mortgage Corporation, incorrectly named as PHH Mortgage, (“Defendant”), files its Original Answer and Affirmative Defenses to Plaintiffs’ Original Petition and respectfully shows this Court the following:

**I. GENERAL DENIAL**

1. Defendant generally denies each and every claim, charge, and allegation contained in Plaintiffs’ Original Petition as provided by Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, and requests that the Court require Plaintiffs to prove their claims by a preponderance of the credible evidence.

**II. AFFIRMATIVE DEFENSES**

2. Plaintiffs’ claims are barred in whole or in part by Chapter 33 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE because Plaintiffs are responsible for a percentage of the harm for which relief is sought by Plaintiffs. *See* TEXAS CIVIL PRACTICE & REMEDIES CODE §§ 33.001—33.016; TEXAS RULE OF CIVIL PROCEDURE 277.

3. Plaintiffs’ claims are barred in whole or in part because Defendant’s conduct was not the producing cause of Plaintiffs’ alleged losses, damages, and/or injuries.

4. Plaintiffs' claims are barred in whole or in part because Defendant's conduct was not the proximate cause of Plaintiffs' alleged losses, damages, and/or injuries.

5. Plaintiffs' claims are barred in whole or in part because Plaintiffs are unable to prove their alleged losses, damages, and/or injuries in accordance with Texas law.

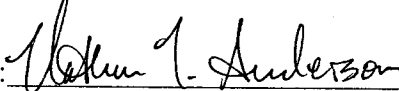
6. Plaintiffs' claims are barred in whole or in part because Plaintiffs failed to mitigate their alleged damages.

**III. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiffs take nothing on their claims and for such other and further relief to which it may be entitled.

Respectfully submitted,

**MCGLINCHEY STAFFORD, PLLC**

By: 

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***ATTORNEYS FOR DEFENDANT***

**CERTIFICATE OF SERVICE**

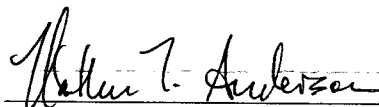
I certify that a correct copy of the foregoing has been forwarded to the following in accordance with the Texas Rules of Civil Procedure on this 4th day of August 2014 as follows:

**Via Certified Mail Return Receipt Requested**

**No. 7196 9008 9111 2892 9039**

David McCrae  
Barbara McCrae  
350 Cee Run  
Bertram, Texas 78605

*Plaintiffs Pro Se*



Nathan T. Anderson