

CAUSE NO. 2017-73934

THE PARKWAY ASSOCIATION, INC.	§	IN THE DISTRICT COURT
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
DIRK WAGENAAR and ANNETTE	§	
KILTY, jointly and severally	§	125 th JUDICIAL DISTRICT

FINAL JUDGMENT

BE IT REMEMBERED that the appearance day of Defendants, DIRK WAGENAAR and ANNETTE KILTY, having passed and the Court, being regularly in session in term time on that date at the place where the above-entitled and numbered cause was commenced, and the Judge on that date in open court regularly called said cause in its order on the docket, and came the Plaintiff, THE PARKWAY ASSOCIATION, INC., by and through its attorney, and though duly served with process, Defendants, DIRK WAGENAAR and ANNETTE KILTY, have at all times heretofore, failed to appear or answer in their behalf, but wholly made default; wheretofore, the citations with the officer's return thereon having been on file with the clerk of this court ten (10) days exclusive of filing and of this day, the Court finds that Defendants have admitted the material allegations of Plaintiff's Original Petition and is liable to Plaintiff as alleged therein and further finds that Plaintiff is entitled to damages, attorneys' fees, interest and costs of Court as set out herein. It is therefore,

ORDERED, ADJUDGED AND DECREED that Plaintiff, THE PARKWAY ASSOCIATION, INC., does have and recover of said Defendants, DIRK WAGENAAR and ANNETTE KILTY, jointly and severally, judgment in the principal sum of \$826.41 as past-due unpaid assessments, interest, late charges, and costs. It is further,

ORDERED ADJUDGED AND DECREED that Plaintiff, THE PARKWAY ASSOCIATION, INC., shall have and recover from the Defendants, DIRK WAGENAAR and ANNETTE KILTY, jointly and severally, the sum of \$2,765.59 as attorneys' fees. It is further,

ORDERED ADJUDGED AND DECREED that Plaintiff shall have and recover from Defendants the additional sum of \$2,500.00 if a Motion for New trial is filed and Plaintiff prevails. Plaintiff shall have and recover from Defendants the sum of \$5,000.00 if this case is appealed to the Court of Appeals and Plaintiff prevails, plus an additional \$3,000.00 if oral arguments are requested by the Court of Appeals and are given, and Plaintiff prevails, plus an additional \$3,000.00 for each motion for rehearing or rehearing en banc at the Court of Appeals and Plaintiff prevails. If Petition for Review is filed with the Texas Supreme Court and Plaintiff prevails, Plaintiff shall have and recover an additional \$5,000.00, plus an additional \$5,000.00 if briefs are requested by the Texas Supreme Court and are submitted and Plaintiff prevails, plus an additional \$3,000.00 if the Texas Supreme Court requests oral arguments and they are given, and Plaintiff prevails. It is further,

ORDERED, ADJUDGED AND DECREED that Plaintiff have foreclosure of the property commonly known as 1243 Melford Drive, Houston, Texas 77077 and being legally described as follows:

Lot Twenty-Four (24), in Block One (1), of CHARLTON PARK, an addition in Harris County, Texas, according to the map or plat thereof recorded in Film Code No. 356122 of the Map Records of Harris County, Texas (the "Property").

It is further,

ORDERED, ADJUDGED and DECREED that an Order of Sale shall issue to any Sheriff or Constable within the State of Texas to seize and sell the above-described real property, the same as under execution and satisfaction of this Judgment. It is further,

ORDERED, ADJUDGED and DECREED that if the proceeds of the sale of said real property are insufficient to satisfy this Judgment, pursuant to Rule 309 of the Texas Rules of Civil Procedure, the Sheriff or Constable shall take any unpaid balance out of money and/or any other property of Defendants, DIRK WAGENAAR and ANNETTE KILTY, jointly and severally, as in the case of any ordinary execution; it is further

ORDERED, ADJUDGED and DECREED that if any surplus remains after the payment of all sums adjudged to be due pursuant to this Judgment, same shall be paid to Defendants, DIRK WAGENAAR and ANNETTE KILTY, jointly and severally; it is further,

ORDERED, ADJUDGED and DECREED that Plaintiff, THE PARKWAY ASSOCIATION, INC., have and recover all costs of Court herein expended and same shall be judged against Defendants, DIRK WAGENAAR and ANNETTE KILTY, jointly and severally; it is further

ORDERED, ADJUDGED and DECREED that Plaintiff, THE PARKWAY ASSOCIATION, INC., shall have and recover post-judgment interest at the rate of 5% per annum on the full amount of the judgment awarded herein from the date hereof until paid.

Let execution issue for all amounts and all relief awarded herein. All relief not expressly granted herein is denied. This judgment is final and appealable.

SIGNED this ____ day of _____, 2018.

Signed:
3/6/2018



JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE
AND ENTRY REQUESTED:

HOOVER SLOVACEK LLP

By:  _____

BRANDI J. CROFFIE

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