

**CAUSE NO. 202256758**

<b>In Re: Order of Foreclosure</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Concerning</b>	§	
<b>8141 HOWARD DR</b>	§	
<b>HOUSTON, TX 77017</b>	§	
	§	
<b>Under Tex. R. Civ. P. 736</b>	§	<b>OF HARRIS COUNTY, TEXAS</b>
	§	
<b>Petitioner: BANK OF AMERICA, N.A.</b>	§	
	§	
<b>Respondent(s): CHRISTIAN EDUARDO</b>	§	
<b>AGUILAR</b>	§	<b>151st JUDICIAL DISTRICT</b>

**PETITIONER’S MOTION FOR DEFAULT**

NOW COMES BANK OF AMERICA, N.A. (“Petitioner”), its successors in interest or assigns, and respectfully requests this Court sign a Default Home Equity Foreclosure Order and in support thereof would show the Court the following:

1. Petitioner is BANK OF AMERICA, N.A.. Respondent(s) is/are CHRISTIAN EDUARDO AGUILAR.

2. Petitioner filed its Tex. R. Civ. P. 736 Application for Home Equity Foreclosure together with its supporting affidavit naming CHRISTIAN EDUARDO AGUILAR as Respondent(s) therein.

3. Notices were properly served on Respondent(s) in accordance with Tex. R. Civ. P. 736.3 or Tex. R. Civ. P. 106. The return(s) of service for the Respondent(s) has/have been on file with this Court for at least ten days exclusive of the date of filing. As of the date of the filing of this motion, Respondent(s) has/have not filed an answer or appeared herein and is/are thus wholly in default.

4. All necessary conditions precedent to obtain a no personal liability *in rem* Home Equity Foreclosure Order by default in accordance with Tex. R. Civ. P. 736 have occurred. Petitioner has established the basis for foreclosure.

5. A Certificate of Last Known address is being filed contemporaneously with the filing of this Motion.

6. A Declaration of Military Status is being filed contemporaneously with the filing of this motion.

WHEREFORE, all conditions precedent being perfected, Petitioner requests that the Court sign a Default Home Equity Foreclosure Order as provided in Tex. R. Civ. P. 736.7-9.

Respectfully submitted,

**BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP**

By: /s/ Connie J. Vandergriff  
Connie J. Vandergriff  
ConnieVa@bdfgroup.com  
State Bar No. 24044550  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001  
(972) 386-5040(Phone)  
(972) 341-0734(Fax)

**ATTORNEYS FOR PETITIONER**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been served upon the following this 9th day of November, 2022 pursuant to the Texas Rules of Civil Procedure:

**VIA CM/RRR NO. 9414 7266 9904 2975 8769 06**

**AND REGULAR MAIL**

CHRISTIAN EDUARDO AGUILAR

2407 POSSUM CREEK RD

HOUSTON, TX 77017

/s/ Connie J. Vandergriff

Connie J. Vandergriff

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<b>AGUILAR</b>	§	<b>151st JUDICIAL DISTRICT</b>

**CERTIFICATE OF LAST KNOWN ADDRESS**

Pursuant to Tex. R. Civ. P. 239a, BANK OF AMERICA, N.A., (“Petitioner”), its successors and assigns, by and through its undersigned counsel, hereby certifies that the last known address(es) for the Respondent(s) served in this lawsuit is/are as follows:

CHRISTIAN EDUARDO AGUILAR  
2407 POSSUM CREEK RD  
HOUSTON, TX 77017

Respectfully submitted,

**BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP**

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Connie J. Vandergriff  
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<b>AGUILAR</b>	§	<b>151st JUDICIAL DISTRICT</b>

**DECLARATION OF CONNIE J. VANDERGRIFF**

**THE STATE OF TEXAS §**  
**§**  
**COUNTY OF DALLAS §**

1. My name is Connie J. Vandergriff. My date of birth is May 22, 1975, and my business address is 4004 Belt Line Rd., Suite 100, Addison, Texas 75001. I am of sound mind and capable of making this unsworn declaration pursuant to 28 U.S.C. § 1746 and Tex. Civ. Prac. & Rem. Code § 132.001(a). I am over the age of twenty-one (21) years, have never been convicted of a felony or crime involving dishonesty and am fully competent to testify to the matters herein. This declaration is based on my personal knowledge and I declare under penalty of perjury that the information/facts stated herein true and correct.

2. Respondent('s/s') name(s) is/are CHRISTIAN EDUARDO AGUILAR.

3. I am an attorney at Barrett Daffin Frappier Turner & Engel, LLP. The law firm of Barrett Daffin Frappier Turner & Engel, LP was retained to enforce the loan agreement encumbering the property located at 8141 HOWARD DR, HOUSTON, TX 77017. I have personal knowledge of the facts set forth in this declaration. These facts are true and correct.

4. I know that Respondent(s), CHRISTIAN EDUARDO AGUILAR is/are not currently in the military because I entered the Respondent('s/s') social security number and name into the Department of Defense's Manpower Data Center website ("DMDC"). The results provided that the Respondent(s) is/are not on active duty in any of the armed forces. I attached a copy of the DMDC verification.

Executed in Dallas County, State of Texas on the 9<sup>th</sup> day of November, 2022.



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Connie J. Vandergriff

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**AND REGULAR MAIL**

CHRISTIAN EDUARDO AGUILAR  
2407 POSSUM CREEK RD  
HOUSTON, TX 77017

/s/ Connie J. Vandergriff  
Connie J. Vandergriff



**Status Report  
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-[REDACTED]  
 Birth Date:  
 Last Name: AGUILAR  
 First Name: CHRISTIAN  
 Middle Name: EDUARDO  
 Status As Of: Nov-09-2022  
 Certificate ID: YNQ0VVTKZG4DCJF

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director  
 Department of Defense - Manpower Data Center  
 400 Gigling Rd.  
 Seaside, CA 93955



The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.