

No. 2019-09557

WP P4
NCA
5E

IN RE: ORDER FOR FORECLOSURE
CONCERNING

25502 Forest Springs Lake
Spring, Texas 77373

UNDER TEX. R. CIV. P. 736

GILBERTO CANGAS JR.

AND

SPRING LAKES HOMEOWNERS
ASSOCIATION, INC.

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IN THE 133RD JUDICIAL DISTRICT COURT
OF HARRIS COUNTY, TEXAS

**PROPERTY OWNERS ASSOCIATION
AGREED ORDER
ON APPLICATION FOR EXPEDITED FORECLOSURE**

On this date the Court considered the Application for Property Owners Association Expedited Foreclosure Order ("Application") filed in the above-entitled and numbered cause pursuant to TEX. R. CIV. P. 736 by Spring Lakes Homeowners Association, Inc. ("Petitioner") against real property owned by Gilberto Cangas Jr. ("Respondent"). It having been demonstrated to the Court that the Petitioner and Respondent have reached an Agreement, the Court is of the opinion and finds as follows:

1. The commonly known mailing address of the real property and improvements sought to be foreclosed is 25502 Forest Springs Lake, Spring, Texas 77373 ("Property"), and more particularly described as:

Lot 15, Block 05, Spring Lakes, Section Thirteen, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in the Map Records of Harris County, Texas, under Film Code No.533079, as modified by any amendments, supplements or replats thereto.

2. The name and last known address of each Respondent subject to this Order is:

Gilberto Cangas Jr.
25502 Forest Springs Lake
Spring, Texas 77373.

3. The recording or indexing information for the lien ("Deed Restrictions") to be foreclosed is:

Declaration of Covenants, Conditions, and Restrictions for Spring Lakes Homeowners Association and by the Supplemental Declaration of Covenants, Conditions, and Restrictions for Spring Lakes Homeowners' Association, Spring Lakes, Section Thirteen, recorded in the Real Property Records of Harris County, Texas, under Clerk's File Nos. S682068 and W804705, respectively, along with any amendments or supplements thereto;

4. The material facts establishing the basis for foreclosure are:

- a. Tex. R. Civ. P. 736.1(d)(3)(A): Petitioner is a Property Owners Association as defined in Tex. Prop. Code § 209.002(7) and the holder of a property owners' association assessment lien under Section 209.0092 of the Tex. Prop. Code as referenced by Tex. R. Civ. P. 735.1(c).
- b. Tex. R. Civ. P. 736.1(d)(3)(B): Petitioner is the Property Owners Association entitled to enforce collection of the amounts due, which amounts are secured by a continuing lien on Respondent's Property for which a power of sale is granted in favor of Petitioner.
- c. Tex. R. Civ. P. 736.1(d)(3)(C): The Respondent Gilberto Cangas Jr. represents each and every person obligated to pay the sums secured by the lien sought to be foreclosed.
- d. Tex. R. Civ. P. 736.1(d)(3)(D): There are no mortgagors or other persons or entities that are subject to the lien sought to be foreclosed that are not owners and named as a Respondent herein.
- e. Tex. R. Civ. P. 736.1(d)(3)(E): A monetary default exists under the Deed Restrictions. As of February 22, 2019:
 - (i) the number of remaining unpaid scheduled payments for annual assessments is 2 (*there are lienable charges that are not scheduled: the scheduled payments consist of annual assessments only*);
 - (ii) the amount required to cure the default is \$5,233.71; and

(iii) the total amount required to pay off the lien is \$5,233.71.

- f. Tex. R. Civ. P. 736.1(d)(3)(F): All conditions precedent related to Petitioner administering this foreclosure proceeding have been accomplished in accordance with the applicable law and Deed Restrictions. The charges contained in Plaintiff's exhibits are lawful with all payments being applied in accordance with applicable law. All required notices have been mailed to each Respondent and all other persons required by the law or Deed Restrictions. The opportunity to cure the default has expired.
- g. Tex. R. Civ. P. 736.1(d)(3)(G): Before the Application was filed, all other actions required under the applicable law and Deed Restrictions and lien sought to be foreclosed were performed.

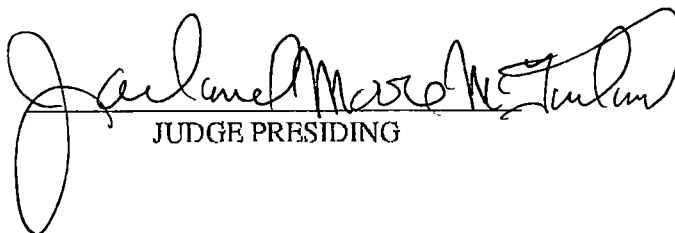
5. The Court further finds that this is an *in rem* proceeding; that the Application complies with TEX. R. CIV. P. 735 and 736; that in accordance with Rule 736.3(b)(1) and (2), a copy of the required Citation and Return of Service has been on file with the Clerk of the Court for at least (10) days, exclusive of the date of filing; that the Petitioner has proved the elements of Rule 736.1(d); that the Petitioner may proceed with foreclosure of the secured Property in accordance with the terms of the Deed Restrictions, Tex. Prop. Code §51.002 and applicable law; and that this Order is granted in accordance with TEX. R. CIV. P. 736.8.

IT IS THEREFORE ORDERED that:

The Petitioner may proceed with a foreclosure sale under the terms of the Deed Restrictions, Tex. Prop. Code §51.002 and applicable law with respect to the secured Property made the subject of this proceeding.

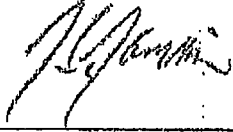
This Order is not appealable pursuant to Rule 736.8(c).

SIGNED this 2 day of April, 2019.


JUDGE PRESIDING

AGREED TO BY:

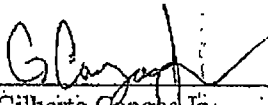
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ATTORNEYS FOR PETITIONER
SPRING LAKES HOMEOWNERS
ASSOCIATION, INC.

AGREED TO BY:



Gilberto Cargas Jr.
25502 Forest Springs Lake
Spring, Texas 77373
RESPONDENT, *PRO SE*

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