

SUA 521

11/9/22

CAUSE NO. 2022-09044
TR# 74062147

P-7

NOV 08 2022

KATY TRAILS HOMEOWNERS
ASSOCIATION, INC.,

ENTERED 1/18/23
VERIFIED KS

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
113TH JUDICIAL DISTRICT

VS.

IORELLA NIX,
23419 Briarstone Harbor Trail
Katy, Tx 77493

EXECUTION AND ORDER OF SALE

THE STATE OF TEXAS, COUNTY OF HARRIS
TO ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS GREETING:

WHEREAS, on the 4TH day of MAY, 2022, KATY TRAILS HOMEOWNERS ASSOCIATION, INC. recovered a Judgment in the 113TH Judicial District Court of Harris County, Texas, against IORELLA NIX for the sum of Two Thousand Six Hundred Eighteen and 34/100 Dollars(\$2,618.34) as the total amount due on the assessment account of the Property that is secured by the Plaintiffs lien on the Property as of the date the Motion for Default was filed; Defendant, Fiorella Nix, shall pay to the Plaintiff, Katy Trails Homeowners Association, Inc., its reasonable attorney's fees in the amount of \$2,007.00; Defendant, Fiorella Nix, shall pay to the Plaintiff, Katy Trails Homeowners Association, Inc., additional attorney's fees in the amount of five thousand five hundred and 00 100 dollars (\$5,500.00) should the final judgment in this case be unsuccessfully appealed by Defendant to a State of Texas Appeals Court. Defendant, Fiorella Nix, shall pay to the Plaintiff, Katy Trails Homeowners Association, Inc., additional attorney's fees in the amount of five thousand five hundred and 00/100 dollars (\$5,500.00) should the final judgment in this case be unsuccessfully appealed by Defendant to the Texas Supreme Court; Defendant, Fiorella Nix, shall pay to the Plaintiff, Katy Trails Homeowners Association, Inc., process server fees in the amount of Ninety Four and 00/100 Dollars (\$94.00), and post-judgment interest at the rate of five percent (5%) per annum on the total judgment, including attorney's fees awarded herein, from the date this judgment is signed until fully paid; together with a judgment of foreclosure of lien on/in the property as hereinafter set out in addition to the costs expended in that behalf;

E05-150 #137855

Lot Fourteen (14), in Block Two (2), of Katy Trails Sec. 2, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Film Code No. 682912 of the Map Records of Harris County, Texas more commonly known as 23419 Briarstone Harbor Trail, Katy, TX 77493 ("Property");

NOW, THEREFORE, YOU ARE HEREBY COMMANDED to proceed according to law and seize and sell the above described property as under execution, and apply the proceeds thereof to the payment and satisfaction of the aforesaid judgment in the sum or sums with interest as shown above plus all cost of said suit as itemized in the attached cost statement, excluding costs due the county.

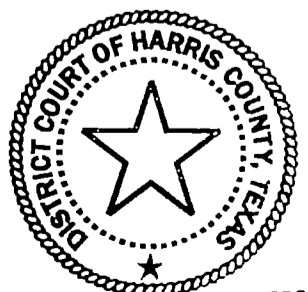
TO SERVING OFFICER:

HEREIN FAIL NOT, return this writ with your return thereon, on or before 90 days from the date of issuance of this Writ, to the District Clerk of Harris County, Texas. FIRST, retain your costs and fees for holding said sale. SECOND, remit the court costs to the District Clerk of Harris County, Texas. THIRD, remit the payment of the remaining monies received to the proper parties as shown in the Judgment. All in accordance with the statutes of the State of Texas.

GIVEN UNDER MY HAND and seal of office in Houston, Texas, on this the 18TH day of OCTOBER, 2022, A.D.

Issued at the request of:
OSCAR BECERRA
ROBERTS MARKEL WEINBERG BUTLER HAILEY
2800 POST OAK BLVD SUITE 5777
HOUSTON TEXAS 77056

MARILYN BURGESS, District Clerk
HARRIS COUNTY, TEXAS



By [Signature], Deputy
LE ROY SIMMONS

FILED
Marilyn Burgess
District Clerk

JAN 18 2023

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

Time: 8:00 am
Harris County, Texas
By R TICKLE
Mail Processing Clerk

Constable's Execution Return

Full Collection On Execution and Order of Sale After Sale

Date: 1/3/2023

Katy Trails Homeowners Association, Inc.,

Department Record Number: 3316

FS

Cause Number: 2022-09044

Court: 113th Judicial District Court, Harris County

Riorella Nix

Received this Writ on 11/8/2022 at 2:47:00 PM and executed on 1/3/2023 by having made demand of the defendant at 23419 Briarstone Harbor Trail Katy, TX 77493 in Harris County, and after demand and refusal of payment by defendant, levied on the 8th day of November 2022 on the following property; Lot Fourteen (14), in Block Two (2), of Katy Trails Sec. 2, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Film Code No. 682912 of the Map Records of Harris County, Texas more commonly known as 23419 Briarstone Harbor Trail, Katy, TX 77493 ("Property");, , , ,

A Constable's Sale, on the above listed property, was held on the 3rd day of January, 2023 at The Bayou City Event Center, 9401 Knight Road, Houston, Harris County, Texas 77045 between the hours of ten o'clock am and four o'clock pm. (Sale Notice Attached) and having collected Sixty Thousand and 00/100 dollars from purchaser at sale and applied to judgment on this writ, per the attached work sheet. A Constable's Deed For Property was issued to purchaser, Thi Nguyen.

Amount collected from the Defendant. \$60,000.00

Costs Credited To Constable \$827.28

Credited To Plaintiff

Applied to Judgment: \$4,625.34

Interest: \$153.35

Paying interest through date: 1/3/2023

Constable's Service Fee \$150.00

Court Costs: \$368.35

Disbursements

Constable	District Clerk	Publication	Atty Ad Litem	Process Server	Miscellaneous
\$827.28	\$0.00	\$175.00	\$0.00	\$94.00	\$0.00

Overage To Court Registry \$0.00

Amount Received From Purchaser, or Defendant. \$100,000.00

Defendant \$53,606.68

Amount Due Purchaser or Defendant \$40,000.00

(If Checked) Credit To Judgment - No Amount Due Plaintiff

Katy Trails Homeowners Association, Inc.,

\$5,297.04

Constable Fee \$150.00

Fee Paid

Ted Heap, Constable

Harris County 5

17423 Katy Freeway

Houston, Texas 77094

by:


Deputy J. Wiesner, Deputy

Date: 1/3/2023

Katy Trails Homeowners Association, Inc.,

Department Record Number: 3316

VS

Cause Number: 2022-09044

Court: 113th Judicial District Court, Harris County

Fiorella Nix

Judgement For First Plaintiff - Katy Trails Homeowners Association, Inc.,

Principal				\$2,618.34
Principal Interest Rate				5.00 %
No. of Days of Principle	5/4/2022	1/3/2023		244
Principal Interest	Simple \$87.52	Compound \$86.81		\$86.81
Attorney Fees				\$2,007.00
Attorney Fee Interest Rate				5.00 %
No. of Days of Attorney Fees	5/4/2022	1/3/2023		244
Attorney Interest	Simple \$67.08	Compound \$66.54		\$66.54
Prejudgement Interest Stated				\$0.00
Prejudgement Amount				\$0.00
Prejudgement Interest Rate				0.00 %
No. of Days of Prejudgement	5/3/2022	5/3/2022		0
PreJudgement Interest				\$0.00
Credits				\$0.00
Court Cost Stated:				\$368.35
Court Cost				\$0.00
Court Cost Interest Rate				0.00 %
No. Days of Court Costs	5/4/2022	1/16/2023		257
Court Cost Interest	Simple \$0.00	Compound \$0.00		\$0.00

Total Judgement For First Plaintiff -

Katy Trails Homeowners Association, Inc., \$4,778.69

Figuring Compound Interest

Total Years and Days

0.6685

Comp Int Rate

1.0500

To the Power of

1.0332

Figuring Compound Interest

Total Years and Days

0.6685

Comp Int Rate

1.0500

To the Power of

1.0332

Figuring Compound Interest

Total Years and Days

0.7041

Comp Int Rate

1.0000

To the Power of

1.0000

Date: 1/3/2023

Katy Trails Homeowners Association, Inc.,

Department Record Number: 3316

VS

Cause Number: 2022-09044

Court: 113th Judicial District Court, Harris County

Fiorella Nix

COSTS

Service Fee	<input checked="" type="checkbox"/> Fee Paid Paid	\$150.00	
State Charge		\$0.00	
Posting		\$90.00	
Postage:		\$8.28	
Commission		\$679.00	
Deed Notary		\$50.00	
Constable Cost			\$977.28
State Charge Court Costs:		\$0.00	
Court Cost		\$368.35	
Publication Cost		\$175.00	
Attorney Ad Litem:		\$0.00	
1st Miscellaneous	Process Server	\$94.00	
2nd Miscellaneous		\$0.00	
Total Other Costs			\$637.35
Total Costs			\$1,614.63
Total Judgement and Cost			\$6,393.32
Amount Collected			\$60,000.00

Field Receipt Number: 5000290

IFAS Receipt Number: 144305

Disbursements

				Miscellaneous	
Constable	District Clerk	Publication	Atty Ad Lite	Process Server	
\$827.28	\$0.00	\$175.00	\$0.00	\$94.00	\$0.00
 Katy Trails Homeowners Association, Inc.,					
\$5,297.04					

Overage To Court Registry
\$0.00
Defendant
\$53,606.68

Amount Received From Purchaser
\$100,000.00
Amount Due Purchaser or Defendant
\$40,000.00

Date: 1/3/2023

Katy Trails Homeowners Association, Inc.,

Department Record Number: 3316

VS

Cause Number: 2022-09044

Court: 113th Judicial District Court, Harris County

Fiorella Nix

Additional Information:

(EOS Sold- collected full judgment amount)

Execution and Order of sale came to hand on 11/08/2022 at 2:47 PM and having levied on the 8th day of November, 2022 on the following property per the Order of Sale; 23419 Briarstone Harbor Trail, Houston, Harris County, Texas 77493.

A Constable's Sale on the above listed property was held on 3rd day of January, 2023 at The Bayou City Event Center, 9401 Knight Road, Houston, Harris County, Texas, 77045 between the 10 AM and 4 PM, and the property was sold at 10:29 AM to the successful highest bidder #85843, Thi Nguyen, for the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00), and applied to the judgment on this writ.

Amount of winning bid collected \$60,000.00 purchaser paid \$100,000.00, assigned IFAS receipt #1443054. Amount disbursed as follows: Plaintiff #1 \$5,297.04 (Katy Trails Homeowners Association, Inc.), publication fee Daily Court Review \$175.00 (invoice #10318967), overage due to purchaser \$40,000.00 , overage of sale to Defendant \$53,606.68 (Fiorella Nix), Process Server \$94.00, and Constable costs and fees \$827.28 (posting \$90.00, postage \$8.28, Deed fee \$50.00, and commission \$679.00).

This writ returned to court as executed, full collection.



MARILYN BURGESS
DISTRICT CLERK

STATEMENT OF ACCRUED COSTS/FEEES

THIS IS NOT A BILL
KATY TRAILS HOMEOWNERS ASSOCIATION INC vs NIX, FIORELLA

Roberts Markel Weinberg Butler Hailey PC

Cause#: 7 - 202209044

2800 Post Oak Blvd

Court: 113

Houston, TX 77056

Judgment Date: 5/4/2022

Issued at the Request of: Roberts Markel Weinberg Butler Hailey PC

DATE	RCT/INV	ASSESSED TO/COLLECTED FROM	TYPE	ITEM DESCRIPTION	FEES/COSTS	PAID
10/7/2022	936487	Roberts Markel Weinberg Butler Hailey PC	ASMT	EXECUTION	\$8.00	\$8.00
10/7/2022	936487	Roberts Markel Weinberg Butler Hailey PC	ASMT	POSTAGE 01 TO 05 PAGES	\$0.60	\$0.60
6/30/2022	929937	Roberts Markel Weinberg Butler Hailey PC	ASMT	ABSTRACT	\$8.00	\$8.00
6/30/2022	929937	Roberts Markel Weinberg Butler Hailey PC	ASMT	POSTAGE 01 TO 05 PAGES	\$0.58	\$0.58
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	STFEE	STATE CONSOLIDATION FEE	\$137.00	\$137.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	CITATION WITH 1 COPY	\$8.00	\$8.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	LAW LIBRARY	\$35.00	\$35.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	DISPUTE RESOLUTION FEE	\$15.00	\$15.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	COURT FACILITY FEE	\$20.00	\$20.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	CLERK OF THE COURT	\$50.00	\$50.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	CLERK RECORDS MANAGEMENT PRESERVATION	\$30.00	\$30.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	COURT REPORTER SERVICE	\$25.00	\$25.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	COURTHOUSE SECURITY SERVICE	\$20.00	\$20.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	LANGUAGE ACCESS FEE	\$3.00	\$3.00

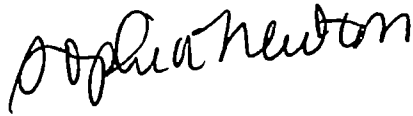
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	COUNTY JURY FEE	\$10.00	\$10.00
2/14/2022	959250	Roberts Markel Weinberg Butler Hailey PC	ASMT	APPELLANT JUDICIAL FUND	\$5.00	\$5.00
TOTAL ALL FEES					\$375.18	\$375.18

BALANCE DUE ALL FEES \$0.00

Summary	Costs	Paid	Due
Roberts Markel Weinberg Butler Hailey PC P	\$375.18	\$375.18	\$0.00
Statement Totals:	\$375.18	\$375.18	\$0.00

AD LITEM FEE

MARILYN BURGESS Prepared by: SOPHIA NEWTON



PAYABLE TO:

Plaintiff's Recoverable Costs \$368.35 as per Judgment.

DEPUTY

MONEY DUE to MARILYN BURGESS DISTRICT CLERK \$0.00

(832) - 927-5740

10/11/2022