

Cause No. 202305669

KINGWOOD LAKES COMMUNITY ASSOCIATION, <i>Plaintiff,</i>	§ § § §	IN THE DISTRICT COURT OF
VS.	§ §	HARRIS COUNTY, TEXAS
BRETT A GRABNER AND JULIE GRABNER, <i>Defendants,</i>	§ § §	164TH JUDICIAL DISTRICT

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff, Kingwood Lakes Community Association, asks the Court to enter a default judgment against Defendants, Brett A Grabner and Julie Grabner.

Subsequent to the filing of *Plaintiff's Original Petition and Requests for Disclosure*, citation issued for Defendants, Brett A Grabner and Julie Grabner. Defendants, Brett A Grabner and Julie Grabner, were properly served with citation and a copy of *Plaintiff's Original Petition and Requests for Disclosure*. The citations and proof of service have been on file with the Court at least ten days, excluding the day of filing and today.

The deadline for the Defendants to file an Answer has passed. Defendants have not filed an Answer or any pleading constituting an Answer and have not entered an appearance.

Defendants' last known address is 1918 Laurel Hill Drive, Kingwood, TX 77339. Attached as Exhibit A is a certificate of Defendants' last known address.

Defendants are not in the service of any branch of the United States Armed Forces. Attached as Exhibit B is an affidavit of Defendants' military status.

By its lawsuit, Plaintiff is requesting that it have judgment from the Defendants for any delinquent maintenance assessments, interest on such delinquent maintenance assessments, and other charges that are due and owing on the assessment account of property owned by the Defendants at *Lot 7, in Block 1 of the Corrected Plat of Kingwood Lakes Village, Section 4, a subdivision in*

Harris County, Texas, according to the map or plat thereof recorded in Volume 291, Page 110, of the Map and/or Plat Records of Harris County, Texas ("Property") which property is more commonly known as 2507 Pine Bend Drive, Kingwood, TX 77339. Attached as Exhibit C is an affidavit regarding the amounts due on the assessment account of the Property.

In addition, the Plaintiff is requesting that it have and recover from the Defendants judgment establishing and foreclosing the lien securing the Defendant's obligations on all amounts due that are secured by the Plaintiff's lien, and ordering a sale of the Property, subject to any superior liens provided for in the Restrictions or at law, if any.

The Plaintiff also seeks court costs and attorney's fees pursuant to the terms of the Restrictions and/or the *Texas Property Code* and/or the *Texas Civil Practices and Remedies Code*, and post-judgment interest on all sums awarded. Attached as Exhibit D is an affidavit regarding Plaintiff's attorney's fees and costs.

Plaintiff is entitled to a default judgment on its causes of action and to damages. The damages in Plaintiff's petition are liquidated and proved by a written instrument and may be accurately calculated; therefore, no hearing is necessary to establish the amount of damages.

Attached as Exhibit E is a true and correct copy of the deed to the Property.

Attached as Exhibit F is a true and correct copy(s) of the applicable restrictive covenants encumbering the Property.

Prayer

For these reasons, Plaintiff asks the Court to enter a default judgment against the Defendants, granting the relief requested in the *Plaintiff's Original Petition and Requests for Disclosure* as specified in the proposed *Final Default Judgment*.

Respectfully submitted

ROBERTS MARKEL WEINBERG BUTLER HAILEY PC

/s/ Melissa McLain

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that a true and correct photocopy of the attached foregoing document(s) has been served upon all attorneys of record and/or pro se parties by depositing same with the United States Postal Service by first class mail, correctly addressed and postage prepaid, or in the manner indicated on this the 27th day of September 2023, to such attorneys and/or parties;

Brett A Grabner and Julie Grabner
1918 Laurel Hill Dr
Kingwood, TX 77339-3167
(CMRRR and regular first class mail)

Certified Article Number

9414 7266 9904 2216 9680 25

SENDER'S RECORD

/s/ Melissa McLain

Melissa McLain