

CAUSE NO. 2023-35600

IN RE: ORDER FOR FORECLOSURE §
CONCERNING §
14234 CINDYWOOD DRIVE §
HOUSTON, TX 77079 §

IN THE DISTRICT COURT OF

PB
NCA
5E

UNDER TEX. R. CIV. PROC. 736 §

HARRIS COUNTY, TEXAS §

PETITIONER: §

ZIONS BANCORPORATION, N.A., §
SUCCESSOR BY MERGER AND §
NAME CHANGE TO AMEGY §
MORTGAGE COMPANY, LLC §

RESPONDENT(S): §

JOHN J. BARRY, IV §
AND ANN A. BARRY §

133rd JUDICIAL DISTRICT

**ORDER GRANTING PETITIONER'S APPLICATION FOR EXPEDITED
FORECLOSURE UNDER TEX. R. CIV. PROC. 736**

Came on for consideration the application of Zions Bancorporation, N.A., successor by merger and name change to Amegy Mortgage Company, LLC its Successors and Assigns (hereinafter Petitioner), for Order for Foreclosure pursuant to Rule 736 of the Texas Rules of Civil Procedure. The Court is of the opinion that said application should be GRANTED.

The court finds this is an *in rem* proceeding; that the Application filed by Petitioner complies with TEX. R. CIV. PROC. 735 and 736; that specifically:

1. **Rule 736.8 (b) (1)** - The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.

2. **Rule 736.8 (b) (2)** - The property to be foreclosed is commonly known as 14234 CINDYWOOD DRIVE, HOUSTON, TX 77079. The legal description of the Property is:

LOT 18, BLOCK 13, OF NOTTINGHAM FOREST, SECTION 1, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 105, PAGE 11 OF THE MAP AND/OR PLAT RECORDS OF HARRIS COUNTY, TEXAS.

3. **Rule 736.8 (b) (3)** – Respondents are John J. Barry, IV and Ann A. Barry whose last known addresses are:

JOHN J. BARRY, IV, 14234 CINDYWOOD DRIVE, HOUSTON, TX 77079;

ANN A. BARRY, 14234 CINDYWOOD DRIVE, HOUSTON, TX 77079

Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service of each Respondent has been on file with the court for at least ten days.

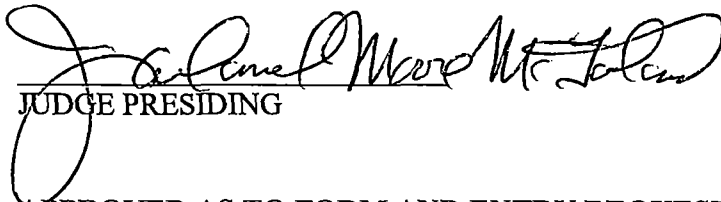
4. **Rule 736.8 (b) (4)** - Texas Home Equity Security Instrument was duly recorded in the Official Real Property Records of HARRIS County, Texas under Clerk's file number RP-2016-82080.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner may proceed with foreclosure under the Security Instrument and under TEX. PROP. CODE § 51.002 of the property located at 14234 CINDYWOOD DRIVE, HOUSTON, TX, 77079 and described as follows:

LOT 18, BLOCK 13, OF NOTTINGHAM FOREST, SECTION 1, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 105, PAGE 11 OF THE MAP AND/OR PLAT RECORDS OF HARRIS COUNTY, TEXAS.

IT IS FURTHER ORDERED that this order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 1 day of November, 2023.



JUDGE PRESIDING

APPROVED AS TO FORM AND ENTRY REQUESTED:

CODILIS & MOODY, P.C.

By: /s/ William A. Morphis

Danya F. Gladney SBOT 24059786

Nicole Bartee SBOT 24001674

Aaron Demuth SBOT 24111076

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ATTORNEYS FOR PETITIONER