

CAUSE NO. 201865857

Pgs-6

U.S. BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR THE AFC
MORTGAGE LOAN ASSET BACKED
CERTIFICATES, SERIES 1998-3

Plaintiff

vs.

LENORA J. PHELPS AND THE HEIRS AT
LAW OF LENORA J. PHELPS,
DECEASED

Defendants

RE: 12916 LEADER STREET
HOUSTON, TX 77072

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

295th JUDICIAL DISTRICT

SALPX
DC
ATFEX
8A

FINAL JUDGMENT

On this date, came on to be heard the above entitled and numbered cause.

Plaintiff U.S. Bank, National Association, as Trustee for the AFC Mortgage Loan Asset Backed Certificates, Series 1998-3, its successors in interest or assigns, appeared through its attorney of record and authorized agent and announced ready.

Defendant *in rem* Betty Moon was served with process on or about October 18, 2018. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Ronald E. Wilson was served with process on or about August 10, 2019. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Jonathan Adams was served with process on or about December 21, 2019. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Rosalyn Wilson was served with process on or about August 21, 2019. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

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Defendant *in rem* Sharon L. Phelps was served with process on or about April 11, 2020. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Demetra Solomon was served with process on or about April 20, 2020. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Amber Phelps was served with process on or about July 22, 2022. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Michael Phelps was served with process on or about March 21, 2020. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

Defendant *in rem* Rose Waddy was served with process on or about March 21, 2020. The Court finds that the Petition complies with Texas Rules of Civil Procedure; that a copy of the citation has been on file with the Court for at least ten days; and that Defendant did not file an Answer or otherwise make an appearance in this suit.

The Unknown Heirs at Law of Lenora J. Phelps, deceased ("Decedent"), were served with citation by publication and an ad-litem was appointed pursuant to an order signed by this Court. The citation and proof of service have been on file with this court at least ten days, excluding the date of filing and today, as well as the Publisher's Affidavit. Neither the named Defendants nor any other unknown Defendant has appeared and identified themselves as an heir at law of Decedent, and no one else has filed an answer or any pleading constituting an answer or entered an appearance other than the Attorney Ad-Litem appointed in the case. Leslie Garcia Ashby is the court appointed Attorney Ad Litem representing the interests of the unknown heirs of Lenora J. Phelps, deceased and Sarah Duckers is the court appointed Attorney Ad Litem representing Amber Phelps. The Court finds Leslie Garcia Ashby and Sarah Duckers exercised due diligence, and Leslie Garcia Ashby and Sarah Duckers have been discharged.

The Court finds that citations were properly served according to law and remained on file with the Clerk of this Court for the time prescribed by law.

Plaintiff is unaware of any potential additional heirs of Decedent not named in this matter.

The Court finds that citations were properly served according to law and remained on file with the Clerk of this Court for the time prescribed by law.

The Court further finds that the loan agreement between Decedent and the Plaintiff is in default and that Plaintiff is the beneficiary of that agreement on the property made the basis of this lawsuit.

The Court, having considered the pleadings, legal arguments, affidavits on file with the court, and all other pertinent evidence, and good cause appearing in the premises, finds that Plaintiff is entitled to the relief sought in Plaintiff's Original Petition.

Therefore, IT IS ORDERED, ADJUDGED, AND DECREED that

Final Judgment is entered against Defendant *in rem* Betty Moon, Defendant *in rem* Ronald E. Wilson, *in rem* Jonathan Adams, Defendant *in rem* Rosalyn Wilson, Defendant *in rem* Sharon L. Phelps, Defendant *in rem* Demetra Solomon, Defendant *in rem* Amber Phelps, Defendant *in rem* Michael Phelps, and Defendant *in rem* Rose Waddy.

All heirs at law of Decedents are named in this suit and such Defendants the Known and Unknown Heirs at Law of Decedents are immediately vested with all of Decedents' right, title and interest in the property commonly known as 12916 Leader Street, TX 77072 (the "Property"), pursuant to the Texas Estates Code. The legal description of the property is as follows:

ALL THAT CERTAIN TRACT OR PARCEL CONTAINING 0.364 ACRE OF LAND OUT OF WILDFLOWER GREEN, SECTION ONE (1), LOCATED IN THE H.T. & B. RR. CO., SURVEY, ABSTRACT NO. 130, PATENT NO. 157, VOLUME 27, DATED SEPTEMBER 24, 1903, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 259, PAGE 98 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFOREMENTIONED WILDFLOWER GREEN, SECTION ONE (1), SOUTH 02 DEGREES 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 522.18 FEET TO A POINT;

THENCE SOUTH 87 DEGREES 45 MINUTES 01 SECONDS WEST, A DISTANCE OF 48.30 FEET TO THE PLACE OF BEGINNING;

THENCE SOUTH 02 DEGREES 14 MINUTES 59 SECONDS EAST, A DISTANCE OF 75.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 87 DEGREES 45 MINUTES 01 SECONDS WEST, A DISTANCE OF 21.17 FEET TO A POINT FOR CORNER;

THENCE NORTH 02 DEGREES 14 MINUTES 59 SECONDS WEST, A DISTANCE OF 75.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 87 DEGREES 45 MINUTES 01 SECONDS EAST, A DISTANCE OF 21.17 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.0264 ACRE OF LAND, MORE OR LESS.

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Plaintiff's vendor's lien is hereby rescinded and the method by which the vendor's lien is rescinded shall be through non-judicial foreclosure sale held in accordance with the terms and conditions of the Loan Agreement and the lien evidenced by the Security Instrument recorded in the real property records of Harris County, Texas.

This Final Judgment serves as an Order authorizing Plaintiff, its successors and assigns, to proceed with non-judicial foreclosure.

Plaintiff may communicate with all parties to this suit and all third parties reasonably necessary to conduct the foreclosure sale.

Plaintiff shall file a certified copy of this Final Judgment in the real property records of the county where the Property is located within ten (10) business days after the entry of this Default Judgment; however, failure to timely record this Default Judgment shall not affect the validity of the foreclosure.

One of the effects of the non-judicial foreclosure shall be that Defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

After the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the Plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

The sum of \$5,625.00 previously paid by Plaintiff to Leslie Garcia Ashby as Attorney Ad Litem for Plaintiff Lenora J. Phelps, is hereby granted as reasonable attorneys' fees and costs.

The sum of \$838.75 previously paid by Plaintiff to Sarah Duckers as Attorney Ad Litem for Amber Phelps is hereby granted as reasonable attorneys' fees and costs.

Judgment in rem against the Property is awarded to U.S. Bank in the amount of \$74,608.78 for principal, interest and escrow advances as of December 27, 2022, plus recoverable attorneys' fees and costs totaling \$6,680.32 as of December 27, 2022, plus attorney ad litem fees totaling \$6,463.75, totaling \$87,752.85, together with interest accruing at 10.49% from December 27, 2022 until foreclosure, plus any advances for taxes and insurance advanced after December 27, 2022.

All relief not expressly granted is denied.

The judgment finally disposes of all parties and all claims and is appealable.

SIGNED on _____, 2023.

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Signed:
1/6/2023

D. Rath

DISTRICT JUDGE PRESIDING

Submitted as Requested by the Court:

By: /s/ H. Gray Burks IV

H. Gray Burks IV

State Bar No. 03418320

LOGS Legal Group, LLP

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Houston, TX 77040

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Email: TXProbate@logs.com

Attorney for Plaintiff

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Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Daniel Contreras on behalf of H. Gray Burks
Bar No. 03418320
dcontreras@LOGS.com
Envelope ID: 71545892
Status as of 1/6/2023 10:11 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
H. Gray Burks		gburks@logs.com	1/6/2023 9:52:29 AM	SENT
Daniel Contreras		dcontreras@logs.com	1/6/2023 9:52:29 AM	SENT
Leslie Ashby		leslie.ashby@ashby-llp.com	1/6/2023 9:52:29 AM	SENT

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I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this January 26, 2023

Certified Document Number: 105900291

Marilyn Burgess

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

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02/07/2023 02:15 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$42.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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