

CAUSE NO. _____

**IN RE: ORDER FOR FORECLOSURE
CONCERNING
2503 ROSEDALE STREET
HOUSTON, TX 77004**

IN THE DISTRICT COURT

UNDER TEX. R. CIV. PROC. 736

OF HARRIS COUNTY, TEXAS

PETITIONER:

**U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS OWNER TRUSTEE FOR
RCF2 ACQUISITION TRUST**

RESPONDENT(S):

JEW DON BONEY, JR.

_____ **JUDICIAL DISTRICT**

**APPLICATION FOR AN EXPEDITED ORDER UNDER RULE 736
ON A HOME EQUITY LOAN**

1. Petitioner is U.S. Bank Trust National Association, not in its Individual Capacity but Solely as Owner Trustee for RCF2 Acquisition Trust whose last known address is c/o Selene Finance 3501 Olympus Blvd, 5th Fl. Ste. 500, Dallas, TX 75019.
2. Respondent is Jew Don Boney, Jr. whose last known address is:
JEW DON BONEY, JR. 2503 ROSEDALE STREET HOUSTON, TX 77004
3. The property encumbered by the loan agreement, contract, or lien sought to be foreclosed is commonly known as 2503 ROSEDALE STREET, HOUSTON, TX 77004 with the following legal description:

THE EAST THIRTY-TWO FEET (E.32') OF LOT SIXTEEN (16) AND WESTERLY TWENTY-EIGHT FEET (W.28') OF LOT FIFTEEN (15), IN BLOCK FOURTEEN (14) OF RIVERSIDE TERRACE, FIRST SECTION (1ST), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 6, PAGE 64, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

4. Petitioner alleges:
- A. The type of lien sought to be foreclosed is a home equity lien under Texas Constitution Article XVI, Section 50(a)(6). The lien is indexed at Clerk's file number 20080161519 and recorded in the real property records of HARRIS County, Texas.
 - B. Petitioner has authority to seek foreclosure of the lien, because Petitioner is the mortgagee as defined by Texas Property Code §51.0001(4).
 - C. The name(s) of each Respondent obligated to pay the underlying debt or obligation evidenced by the loan agreement, contract, or lien encumbering the property sought to be foreclosed is Jew Don Boney, Jr.
 - D. As of March 22, 2024:
 - (i) Eight (8) monthly payments have not been paid. The amount required to cure the default is \$24,974.75. According to Petitioner's records, all lawful offsets, payments, and credits have been applied to the account in Default.
 - (ii) The total amount to pay off the loan agreement, contract, or lien is \$295,776.18.
 - E. Notice to cure the default has been sent by certified mail to each Respondent who is obligated to pay the underlying debt or obligation. The opportunity to cure has expired.

- F. Before this application was filed, any other action required to initiate a foreclosure proceeding by Texas law or the loan agreement, contract, or lien sought to be foreclosed was performed.
5. **Legal action is not being sought against the occupant of the property unless the occupant is named as a Respondent in this application.**
6. **If Petitioner obtains a court order, Petitioner will proceed with foreclosure of the property in accordance with applicable law and the terms of the loan agreement, contract, or lien sought to be foreclosed.**
7. The following documents are attached to this application:
- A. An affidavit or declaration of material facts describing the basis for foreclosure.
 - B. The note, original recorded lien, or other documentation establishing the lien.
 - C. The current assignment of the lien recorded in the real property records of the county where the property is located.
 - D. A copy of each default notice required to be mailed to any Respondent under Texas law and the loan agreement, contract, or lien sought to be foreclosed, and the USPS tracking report, return receipt, or other proof demonstrating that a notice was sent by certified mail before this application was filed.
8. **Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of**

the armed forces of the United States, please send written notice of the active duty military service to Petitioner or Petitioner's attorney immediately.

9. *Prayer for Relief:* Petitioner seeks an expedited order under Rule 736 so that it may proceed with foreclosure in accordance with applicable law and terms of the loan agreement, contract, or lien sought to be foreclosed.

CODILIS & MOODY, P.C.

By: /s/ Nicole M. Bartee

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