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## **CAUSE NO. 202355138**

\$ \$ \$ \$

IN RE: ORDER FOR FORECLOSURE CONCERNING 5951 BELDART STREET HOUSTON, TX 77033 UNDER TEX. R. CIV. PROC. 736

**PETITIONER:** 

AVT TITLE SERVICES, LLC THE APPOINTED SUBSTITUTE TRUSTEE FOR THE BANK OF NEW YORK MELLON AS TRUSTEE FOR THE CIT HOME EQUITY LOAN TRUST 2003-1

**RESPONDENT(S):** 

BRITA GODFREY AND GLORIA GODFREY

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

157th JUDICIAL DISTRICT

## **DEFAULT ORDER**

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- 1. On this date the Court considered Petitioner's Motion for Default Order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
- 2. The name and last known address of each Respondent subject to this order is:

BRITA GODFREY 5951 BELDART STREET HOUSTON, TX 77033 GLORIA GODFREY 5951 BELDART STREET HOUSTON, TX 77033

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

3. The Property that is the subject of this foreclosure proceeding is commonly known as 5951 BELDART STREET, HOUSTON, TX 77033 with the following legal description:

LOT TWENTY-TWO (22), IN BLOCK TWENTY (20), OF BELFORT PARK, SECTION TWO (2), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 39, PAGE 11, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

4. The lien sought to be foreclosed is indexed or recorded at Document W579723 and recorded in the real property records of Harris County, Texas.

- 5. 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.
- 6. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App § 501 et seq.
- 7. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement sought to be foreclosed.
- 8. 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 day of , 2023

Signed: 10/31/2023

JUDGE PRESIDING

**Approved and Entry Requested:** 

<u>/s/ Ester Gonzales</u>

MACKIE WOLF ZIENTZ & MANN P.C.

Ester Gonzales

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