

CAUSE NO. _____

IN RE: ORDER FOR FORECLOSURE
CONCERNING

24327 PALO DURA DRIVE, HOCKLEY,
TEXAS 77447

UNDER TEX. R. CIV. P. 736

PETITIONER:
RANCH COUNTRY ASSOCIATION

RESPONDENT(S):
SHERYLL T. ARRAH & MOISE O.
ARRAH

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**APPLICATION FOR EXPEDITED FORECLOSURE ORDER UNDER RULE 736 ON A
PROPERTY OWNERS' ASSOCIATION ASSESSMENT LIEN**

To the Honorable Judge of Said Court:

1. Petitioner is RANCH COUNTRY ASSOCIATION, whose last known mailing address is RANCH COUNTRY ASSOCIATION c/o Sears | Bennett | Gerdes | LLP, 6548 Greatwood Pkwy., Sugar Land, Texas 77479.
2. Respondents are SHERYLL T. ARRAH & MOISE O. ARRAH, whose last known address is 24327 PALO DURA DRIVE, HOCKLEY, TEXAS 77447.
3. The property encumbered by the Declaration of Covenants, Conditions and Restrictions for the Ranch Country subdivision, recorded under County Clerk's File No. F448048, in the Official Public Records of Real Property of Harris County, Texas, as further amended and/or supplemented (the "Declaration"), sought to be foreclosed is commonly known as 24327 PALO DURA DRIVE, HOCKLEY, TEXAS 77447 with the following legal description:

LOT 13, IN BLOCK 7, OF CYPRESSWOOD TRAILS, SECTION 1, A
SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT THEREOF, RECORDED UNDER FILM CODE NO.
597123, OF THE MAP AND/OR PLAT RECORDS OF HARRIS COUNTY,
TEXAS, (THE "PROPERTY").

4. Petitioner alleges:
 - A. The type of lien sought to be foreclosed is a property owners' association assessment lien under Section 209.0092 of the Texas Property Code. The lien is indexed under County Clerk's File No. F448048, in the Official Public Records of Real Property of Harris County, Texas.
 - B. Respondents are required to pay to the Petitioner the assessments and related charges. Respondents have breached their obligation under the Declaration by failing to pay the assessments, together with interest, late fees, costs, and reasonable attorney's fees.

- C. Petitioner has authority to seek foreclosure of the lien because of non-payment of assessments.
- D. The name of each person obligated to pay the underlying debt or obligation evidenced by the Declaration encumbering the property sought to be foreclosed is SHERYLL T. ARRAH & MOISE O. ARRAH.
- E. As of January 25, 2024:
- i. Three (3) annual assessments have not been paid. The amount required to cure the default is \$7,194.15 plus court costs incurred to file this Application. 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 lien is \$7,194.15 which is made up of the following amounts:
 - a.) 2022-2024 Assessments: \$750.00;
 - b.) 2021-2024 Fianace Charges: \$796.70; and
 - c.) \$5,647.45 in legal fees and expenses.
- F. Notice to cure the default has been sent to each Respondent by certified mail. The opportunity to cure has expired.
- G. Before this application was filed, any other action required to initiate a foreclosure proceeding by Texas law or the 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 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. *See Exhibit "A."*
 - B. The original recorded Declaration of Covenants, Conditions and Restrictions of Ranch Country Association establishing the lien. *See Exhibit "B."*
 - C. A copy of each default notice required to be mailed to any Respondent under Texas law and the lien sought to be foreclosed, and the USPS Tracking report, return receipt, or other proof demonstrating that each notice was sent by certified mail before the application was filed. *See Exhibit "C."*
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 lien sought to be foreclosed.

RESPECTFULLY SUBMITTED

SEARS | BENNETT | GERDES | LLP

/s/ Sarah B. Gerdes

SARAH B. GERDES

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ATTORNEYS FOR PETITIONER