

DAVID W HEDNER
16003 PEBBLE CREEK TRL
CYPRESS, TX 77433

4. The property encumbered by the lien sought to be foreclosed is commonly known as 16003 PEBBLE CREEK TRL, CYPRESS, TX 77433.

5. The legal description of the property encumbered by the lien sought to be foreclosed is:

LOT NINE (9), IN BLOCK ONE (1), OF TRAILS OF FAIRFIELD, SECTION FOUR (4), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 413008 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

6. The recording or indexing information for the lien to be foreclosed is:

Recording date: 01/18/2017

Instrument No.: 20070036429

7. The type of lien listed in Rule 735 sought to be foreclosed is a home equity loan under TEX. CONST. art. XVI, § 50(a)(6).

8. The name of each person obligated to pay the loan agreement, contract, or lien sought to be foreclosed is: SUSAN M HEDNER and DAVID W HEDNER.

9. There is a monetary default under the terms of the loan agreement, contract, or lien sought to be foreclosed as reflected more particularly below:

i. As of 08/22/2022, the number of unpaid scheduled payments was 28.

ii. As of 08/22/2022, the amount required to cure the default was \$61,374.50.

iii. As of 08/22/2022, the amount required to pay off the loan agreement, contract or lien was \$ 174,918.16.

10. The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and that the opportunity to cure has expired.

11. Before the application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

12. The Court further finds that this is an *in rem* proceeding; that the Application filed by Petitioner complies with Rule 735 and 736 of the Texas Rules of Civil Procedure; that Respondent has not previously filed a Response or the Response was deemed insufficient; that a copy of the required Notice with Certificate of Service has been on file with the Clerk of the Court for at least ten (10) days, exclusive of the date of filing; that Petitioner has met its burden of proof as to the elements of Rule 736; and that Petitioner should proceed with foreclosure of the Property under the terms of the Security Instrument and TEX. PROP. CODE § 51.002.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner, its successors and assigns, may proceed with the foreclosure of the property located at 16003 PEBBLE CREEK TRL, CYPRESS, TX 77433, and described as follows:

LOT NINE (9), IN BLOCK ONE (1), OF TRAILS OF FAIRFIELD, SECTION FOUR (4), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 413008 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

under the terms of the Texas Home Equity Security Instrument and TEX. PROP. CODE § 51.002.

All other relief not granted herein is denied.

SIGNED this _____ day of _____, 20_____.

Signed:
12/5/2022
3:57 PM



JUDGE PRESIDING

APPROVED AS TO FORM AND ENTRY REQUESTED:

Respectfully Submitted,

McCarthy & Holthus, LLP

By: /s/ Thuy Frazier

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Unofficial Copy Office of Marilyn Burgess District Clerk