

**CAUSE NO. 2022-59415**

<b>IN RE: ORDER FOR FORECLOSURE</b>	§	<b>IN THE DISTRICT COURT OF</b>
<b>CONCERNING</b>	§	
<b>16003 PEBBLE CREEK TRAIL</b>	§	
<b>CYPRESS, TEXAS 77433</b>	§	
	§	
<b>UNDER TEX. R. CIV. PROC. 736</b>	§	
	§	
<b>PETITIONER:</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>WELLS FARGO BANK, N.A.,</b>	§	
	§	
	§	
<b>RESPONDENTS:</b>	§	
	§	
<b>SUSAN M HEDNER AND</b>	§	
<b>DAVID W HEDNER</b>	§	<b>215th JUDICIAL DISTRICT</b>

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**MOTION TO VACATE ORDER GRANTING FORECLOSURE**

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**TO THE HONORABLE COURT:**

Respondents, Susan M Hedner and David W Hedner, ask this court to vacate the court's order, signed on December 5, 2022, granting foreclosure under TRCP 736. Pursuant to Texas Rule of Civil Procedure 736.11, Respondents, by having filed the attached Original Petition, attached as *Exhibit A*, are entitled to automatic stay/abatement of the foreclosure order. Per Rule 736.11.(a), "a proceeding or order under this rule is automatically stayed if a respondent files a separate, original proceeding in a court of competent jurisdiction that puts in issue any matter related to the origination, servicing, or enforcement of the loan agreement, contract, or lien sought to be foreclosed prior to 5:00 p.m. on the Monday before the scheduled foreclosure sale." Moreover, Rule 736.11(c) states that once the respondent files a motion and proposed order to vacate with the clerk of the court in which the application was filed giving notice that respondent has filed an original proceeding contesting the right to foreclose, "the court must vacate" the Rule 736 signed order.

WHEREFORE, PREMISES CONSIDERED, Respondents, Susan M Hedner and David W Hedner, hereby request that the Court enter the attached order, vacating the signed order in its entirety, with costs taxed against the party who incurred them.

**THE LANE LAW FIRM, P.L.L.C.**

By: /s/ Robert "Chip" C. Lane

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**ATTORNEYS FOR RESPONDENTS**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10 day of March, 2023, the foregoing was electronically filed and sent to the following attorneys of record. The foregoing was also sent via electronic notification and/or facsimile.

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