

CAUSE NO. 202414550

IN RE: ORDER FOR FORECLOSURE  
CONCERNING  
16003 PEBBLE CREEK TRL  
CYPRESS, TX 77433  
UNDER TEX. R. CIV. P. 736

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IN THE DISTRICT COURT OF

PETITIONER:  
WELLS FARGO BANK, N.A.

HARRIS COUNTY, TEXAS

RESPONDENTS:  
SUSAN M HEDNER,  
AND DAVID W HEDNER

334TH JUDICIAL DISTRICT

**PETITIONER'S MOTION FOR ENTRY OF ORDER  
IN ACCORDANCE WITH TEX R. CIV. P. 736.7**

COMES NOW, Wells Fargo Bank, N.A. and respectfully requests that the Court grant the relief requested in its Application for Home Equity Foreclosure Order by granting a Default Order for Foreclosure no later than thirty (30) days from the date of the filing of this Motion in accordance with TEX. R. CIV. P. 736.7.

**I. FACTS**

1. Petitioner is Wells Fargo Bank, N.A. (hereinafter "Petitioner").
2. Respondents are SUSAN M HEDNER and DAVID W HEDNER (hereinafter "Respondent").
3. On 3/6/2024, Petitioner filed its Application for Home Equity Foreclosure Order and its Affidavit in support thereof which proffered all material facts constituting prima facie evidence which establishes the truth of the matters alleged therein.
4. Citations were properly served on **SUSAN M HEDNER and DAVID W HEDNER**, together with a copy of the Application for Home Equity Foreclosure Order and an Affidavit in support thereof, on **3/11/2024**. The returns of service were filed with this Court on

**3/11/2024** and at least ten days have passed, exclusive of the date of filing. The Respondent's response was due on or before 10:00 a.m. on Monday, **4/22/2024**. No response was filed on behalf of Respondent within the time allowed by Rule 736.5 of the Texas Rules of Civil Procedure.

5. Citations were properly served on **OCCUPANT**, together with a copy of the Application for Home Equity Foreclosure Order and an Affidavit in support thereof, on **3/11/2024**. The returns of service were filed with this Court on **3/11/2024** and at least ten days have passed, exclusive of the date of filing. The Occupant's response was due on or before 10:00 a.m. on Monday, **4/22/2024**. No response was filed on behalf of Occupant within the time allowed by Rule 736.5 of the Texas Rules of Civil Procedure.

6. All necessary conditions precedent to obtain an *in rem* home equity foreclosure order by default in accordance with TEX. R. CIV. P. 736 have occurred. Petitioner has established the basis for foreclosure.

7. A Certificate of Last Known Address for Respondent is being filed contemporaneously with this Motion.

8. A Non-Military Status Affidavit for Respondent is being filed contemporaneously with this Motion.

## II. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests the entry of an order granting the relief requested in Petitioner's Application.

Respectfully submitted,

McCarthy & Holthus, LLP

By: /s/ Thuy Frazier

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\_ Robert Negrin / SBN: 14865550

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✓ Thuy Frazier / SBN: 24088129

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**ATTORNEYS FOR PETITIONER**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was sent via certified mail and first class mail to the following individuals at the respective addresses below on the 6th day of May, 2024.

Via Certified and First Class Mail

SUSAN M HEDNER  
16003 PEBBLE CREEK TRL  
CYPRESS, TX 77433

DAVID W HEDNER  
16003 PEBBLE CREEK TRL  
CYPRESS, TX 77433

/s/ Thuy Frazier  
Thuy Frazier

Unofficial Copy Office of Marilyn Burgess District Clerk

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Julisa Benavidez on behalf of Thuy Frazier  
Bar No. 24088129  
jbenavidez@mccarthyholthus.com  
Envelope ID: 87403961  
Filing Code Description: Motion (No Fee)  
Filing Description: Motion for Default  
Status as of 5/6/2024 11:09 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Julisa Benavidez		jbenavidez@mccarthyholthus.com	5/6/2024 11:02:11 AM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk