

CAUSE NO: 202376786

IN RE: ORDER FOR FORECLOSURE
CONCERNING

525 BYRNE STREET
HOUSTON, TEXAS 77009

UNDER TEX. R. CIV. P. 736

PETITIONER:

PHH MORTGAGE CORPORATION

RESPONDENT(S):

EDWARD D. SILVA, JR.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

129th JUDICIAL DISTRICT

REVERSE MORTGAGE FORECLOSURE ORDER

On this day, the Court determined it had jurisdiction over the subject matter and the parties to this proceeding. After reviewing the Motion for Final Judgment and Reverse Mortgage Foreclosure Order, the pleadings, the affidavits and the arguments of counsel, the Court finds:

1. Rule 736.8(b)(1) – All material facts establishing Respondents’ default are alleged in Applicant’s Application for Expedited Foreclosure Under Rule 736 on a Reverse Mortgage, the supporting exhibits, and supporting affidavits. Those facts are adopted and incorporated by reference in this order.

2. Under Tex. Const. Art. XVI §50(k)(6)(D), the advancement of funds on Mortgagors’ behalf to pay taxes and/or insurance on the Property in conjunction with Secretary approval qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for Applicant to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property has been accomplished.

3. Mortgagor failed on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on, or insure the homestead property, which accelerated the maturity of the Reverse Mortgage debt and subjected the Property to payment of all principal, interest and other fees and expenses allowed under the Reverse Mortgage made the subject of this proceeding by a nonjudicial foreclosure under Tex. Const. Art. XVI § 50(k)(6)(D) and Tex. Const. Art. XVI §50(k)(11).

4. Rule 736.8(b)(2) – Applicant is the current mortgagee, as that term is defined in Tex. Prop. Code. §51.001, of a valid Texas reverse mortgage “loan agreement,” as that term is defined in Tex. Bus. & Comm. Code §26.02 (“Loan Agreement”) that was created in accordance with Tex. Const. Art. XVI §50(a)(7) and secured by the real property and improvements (the “Property”) commonly known as 525 Byrne Street, Houston, Texas 77009 and more particularly described as:

THE EAST THREE-FOURTHS (E. 3/4THS) OF LOT TEN (10) AND THE ADJOINING WEST ONE-FOURTH (W. 1/4TH) OF LOT ELEVEN (11), IN BLOCK TWENTY-THREE (23), OF WOODLAND HEIGHTS, AND ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 33 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

5. Rule 736.8(b)(3)– Mortgagor is subject to this order. Mortgagor(s) is EDWARD D. SILVA, JR., whose last known address is 525 Byrne Street, Houston, Texas 77009. Plus, any and all occupants of 525 Byrne Street, Houston, Texas 77009, whose last known address is the subject Property are also subject to this order.

6. Rule 736.8(b)(4) – Applicant, **PHH MORTGAGE CORPORATION**, its successors and/or assigns, is entitled to relief on the reverse mortgage lien recorded in the Harris County public real property records under number RP-2017-71606. Applicant will enforce its security interest pursuant to the terms of the Loan Agreement and Tex. Prop. Code §51.002. The

Trustee or Substitute Trustee, Fielder F. Nelms, or his successor, was appointed to conduct the sale under Tex. Prop. Code §51.002.

IT IS THEREFORE ORDERED that Applicant, its successors and/or assigns in accordance with Tex. Const. Art. XVI §50(k)(11) shall enforce the Loan Agreement default by foreclosing its security interest encumbering the Property pursuant to the Loan Agreement or Tex. Prop. Code §51.002;

IT IS FURTHER ORDERED that if a person occupying the Property fails to surrender possession of the premises after foreclosure, Applicant, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. Civ. P. 310;

IT IS FURTHER ORDERED that Applicant shall be, and the same hereby is, awarded reasonable and necessary attorneys' fees and costs to be assessed to the loan; and

IT IS FURTHER ORDERED Applicant is entitled to all writs necessary to enforce this Judgment.

All relief not granted herein is denied.

SIGNED this _____ day of _____, 20____.

Signed: 
5/6/2024

JUDGE PRESIDING

Unofficial Copy Office of Marilyn Burgess District Clerk

ORDER PREPARED BY:

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**ATTORNEYS FOR PETITIONER,
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Envelope ID: 83754955
Filing Code Description: Motion (No Fee)
Filing Description: MOTION FOR ORDER AUTHORIZING
FORECLOSURE
Status as of 1/24/2024 3:39 PM CST

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