

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:

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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 February 20, 2024, the number of unpaid scheduled payments was 46.

ii. As of February 20, 2024, the amount required to cure the default was -
\$86,005.80.

iii. As of February 20, 2024, the amount required to pay off the loan agreement, contract or lien was \$190,358.71.

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:
6/25/2024



JUDGE PRESIDING

APPROVED AS TO FORM AND ENTRY REQUESTED:

Respectfully Submitted,

McCarthy & Holthus, LLP

By: /s/ Thuy Frazier

_ Robert Negrin / SBN: 14865550
_ Cole Patton / SBN: 24037247
_ Valencia Bennett / SBN: 24071076
 Thuy Frazier / SBN: 24088129
_ Yoshie Valadez / SBN: 24091142
_ Myra Homayoun / SBN: 24133198
TXAttorneys@McCarthyHolthus.com
1255 West 15th Street, Suite 1060
Plano, TX 75075
Phone: 214-291-3800
Fax: 214-291-3801

ATTORNEYS FOR PETITIONER

Automated Certificate of eService

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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