CAUSE NO. 2023-20312

NATIONSTAR MORTGAGE LLC,	§	IN THE DISTRICT COURT
	§	
	§	
DL 1 400	§	
Plaintiff,	§	
	8	215 TH JUDICIAL DISTRICT
V.	8	213 JUDICIAL DISTRICT
LAURA M. DELAGARZA; U.S. BANK	§ §	
NATIONAL ASSOCIATION,	§	
	§	
Defendants.	§	HARRIS COUNTY, TEXAS

INTERLOCUTORY DEFAULT AND STIPULATED JUDGMENT

ON THIS DATE, the Court considered Plaintiff, Nationstar Mortgage, LLC's Motion for Default Judgment and Entry of Stipulated Judgment. In signing this Interlocutory Default and Stipulated Judgment, the Court considered the failure of Defendant Laura M. Delagarza to file an answer in this case, as well as Plaintiff's First Amended Petition, Citations and Returns of Service, Plaintiff's Motion for Default Judgment and Entry of Stipulated Judgment and the evidence attached thereto. Further, and upon stipulation of U.S. Bank the Court enters the following findings, default and stipulated judgment.

The Court takes judicial notice of the contents of the file, finds and concludes that 1) it has jurisdiction over the subject matter and the parties in this proceeding; 2) Delagarza and U.S. Bank were duly served with citation and copy of the Plaintiff's Original Petition, 3) the citations and proofs of service have been on file for at least 20 days before the date hereon; 4) Defendant Delagarza is afforded no protections of the Servicemembers Civil Relief Act; and 5) that pursuant to Weaver v. Hartford Acc. & Indem. Co., 570 S.W.2d 367, 370 (Tex. 1978), Plaintiff's First Amended Petition seeks a no more onerous judgment than that prayed for in the original pleading as to Defendant Laura M. Delagarza and does not require that a new citation issue to Laura M. Delagarza. The Court concludes that Nationstar is entitled to judgment. It is therefore:

ORDERED, ADJUDGED, STIPULATED AND DECREED that Nationstar maintains a valid lien against the property located at 2490 Bering Drive, Unit #2490, Houston, TX 77057 ("Property") by virtue of a Deed of Trust, which secured the Note for \$213,600.00 ("Note") and was recorded on November 29, 2017 as Instrument Number RP-2017;533383 in the official records of the real property of Harris County, Texas ("Deed of Trust"), which is more specifically described in Exhibit 1, attached to Plaintiff's First Amended Petition and Plaintiff's Motion for Default Judgment and Entry of Stipulated Judgment, also more particularly described as follows:

CONDOMINIUM UNIT NO. 2490, IN BUILDING FINCLUDING THE SPACE ENCOMPASSED BY THE BOUNDARIES THEREOF, TOGETHER, WITH AN UNDIVIDED INTEREST IN THE GENERAL COMMON ELEMENTS, ALL LOCATED IN AND BEING PART OF THAT CERTAIN CONDOMINIUM PROJECT KNOWN AS 2400 BERING DRIVE TOWNHOMES, AS CREATED BY AND BEING MORE FULLY DESCRIBED, LOCATED, DELINEATED AND DEFINED IN THE CONDOMINIUM DECLARATION FOR 2400 BERING DRIVE TOWNHOMES, ROGETHER WITH PLATS, SURVEY AND EXHIBITS ATTACHED THERETO, RECORDED IN VOLUME 121, PAGE 108, OF THE CONDOMINIUM RECORDS OF HARRIS COUNTY, TEXAS, ALONG WITH THE RIGHTS FOR THE USE OF PRIVATE STREETS IN GREENFIELD OAKS APARTMENTS, AS RECORDED IN VOLUME 256, PAGE 23, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

It is further

ORDERED, ADJUDGED, STIPULATED AND DECREED that Nationstar is the lender of record and current beneficiary of the Deed of Trust. It is further

ORDERED, ADJUDGED, STIPULATED AND DECREED that Release of Lien recorded under Harris County Clerk's Instrument Number RP-2022-265739 in the Harris County real property records is void, cancelled and of no effect as to the above described property. It is further

ORDERED, ADJUDGED, STIPULATED AND DECREED that any interest in the

Property held by Defendant U.S. Bank, N.A. is subject to, inferior to, and subordinate to the Deed of Trust. It is further

ORDERED, ADJUDGED, STIPULATED AND DECREED that the Deed of Trust is a first-priority, senior encumbrance on the Property. It is further

ORDERED, ADJUDGED, STIPULATED AND DECREED that when and, Nationstar Mortgage LLC is permitted to record a certified copy of this Interfocutory Default and Stipulated Judgment in the Harris County Court real property and the Harris County Clerk is directed to record the judgment in the same manner and under the same indexing system as that for the Deed of Trust. It is further

ORDERED, ADJUDGED, STIPULATED AND DECREED that costs of court be taxed against the party incurring same, and it is finally

ORDERED, ADJUDGED, STIPULATED AND DECREED that this judgment is interlocutory, and that additional issues and parties remain, which are not yet fully adjudicated.

SIGNED

Signed: 6/27/2024 12:38 PM

HON. ELAINE H. PALMER, DISTRICT JUDGE

APPROVED and ENTRY REQUESTED

MCCARTHY & HOLTHUS, LLP

/s/ Robert L. Negrin

Robert L. Negrin/SBN: 14865550 rnegrin@McCarthyHolthus.com Cole Patton / SBN: 24037247 Thuy Frazier / SBN: 24088129 Yoshie Valadez / SBN: 24091142 1255 West 15th Street, Suite 1060

Plano, Texas 75075 Phone: 214.291.3800 Fax: 214.291.3801

ATTORNEYS FOR PLAINTIFF
NATIONSTAR MORTGAGE LLC

STIPULATED and AGREED

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP

/s/ Shawnika L. Brooks w/ permission

Shawnika L. Brooks
State Bar No. 24106058
Robert D. Forster, II
State Bar No. 24048470
4004 Belt Line Road, Ste. 100
Addison, Texas 75001
(972) 386-5040
(972) 341-0734 (Facsimile)
ShawnikB@bdfgroup.com
RobertFO@bdfgroup.com

ATTORNEYS FOR US BANK

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.

Ashley Crout on behalf of Robert Negrin Bar No. 14865550 acrout@mccarthyholthus.com

Envelope ID: 85682378

Filing Code Description: Proposed Order

Filing Description: Interlocutory Default and Stipulated Judgment

Status as of 3/19/2024 8:16 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert Negrin		rnegrin@mccarthyholthus.com	3/18/2024 5:30:05 PM	SENT
Ashley Crout		acrout@mccarthyholthus.com	3/18/2024 5:30:05 PM	SENT
Robert Davis Forster	24048470	robertfo@bdfgroup.com	3/18/2024 5:30:05 PM	SENT
Shawnika Brooks		ShawnikB@bdfgroup.com	3/18/2024 5:30:05 PM	SENT