

PARTICULARLY DESCRIBED BY METES AND BOUNDS IS FOLLOWS:
(BEARING BASIS IS G.P.S. OBSERVATION TEXAS SOUTH CENTRAL, GEOID
18, NAD 83 WITH A BEARING OF SOUTH 02 DEGREES 14 MINUTES 42
SECONDS EAST, ALONG THE EAST LINE OF SUBJECT TRACT)

COMMENCING AT A POINT FOR THE NORTHWEST CORNER OF THE SAID
14.00 ACRE TRACT ALSO BEING THE NORTHWEST CORNER OF SAID
34.8533 ACRE TRACT;

THENCE, SOUTH 02 DEGREES 15 MINUTES 20 SECONDS EAST, A DISTANCE
OF 343.07 FEET ALONG THE WEST LINE OF SAID 14.00 ACRES AND THE
WESTERLY LINE OF PART THREE, TO A POINT FOR THE NORTHWEST
CORNER OF AFOREMENTIONED 10.9968 ACRE TRACT;

THENCE, NORTH 87 DEGREES 44 MINUTES 16 SECONDS EAST, ALONG THE
NORTH LINE OF SAID 10.9968 ACRE TRACT A DISTANCE OF 380.99 FEET TO
A POINT FOR THE NORTHEAST CORNER OF SAID 10.9968 ACRE TRACT;

THENCE, SOUTH 02 DEGREES 14 MINUTES 42 SECONDS EAST, ALONG THE
EAST LINE OF SAID 10.9968 ACRE TRACT A DISTANCE OF 508.76 FEET TO
A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER AND POINT
OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEGREES 14 MINUTES 42 SECONDS EAST,
CONTINUING ALONG THE EAST LINE OF SAID 10.9968 ACRE TRACT A
DISTANCE OF 233.69 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED
SOUTH TEXAS SURVEYING SET FOR THE SOUTHEAST CORNER OF
HEREIN DESCRIBED TRACT;

THENCE OVER AND ACROSS SAID 10.9968 ACRE TRACT THE FOLLOWING
THREE CALLS AND DISTANCE;

SOUTH 87 DEGREES 45 MINUTES 18 SECONDS WEST, A DISTANCE OF 187.67 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED SOUTH TEXAS SURVEYING SET FOR THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

NORTH 01 DEGREES 39 MINUTES 21 SECONDS WEST, A DISTANCE OF 233.71 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED SOUTH TEXAS SURVEYING SET FOR THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;

NORTH 87 DEGREES 45 MINUTES 18 SECONDS EAST, A DISTANCE OF 185.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0004 ACRES (43,576 SQUARE FEET) OF LAND, MORE OR LESS.

TRACT TWO:

BEING 0.2565 ACRE TRACT OF LAND OUT OF THAT CERTAIN 10.9968 TRACT OF LAND BEING SITUATED IN THE CHARLES BHAR SURVEY, ABSTRACT NO. 153, HARRIS COUNTY, TEXAS; SAID TRACT BEING THE SOUTH ELEVEN ACRES OUT OF THE MOST WESTERLY FOURTEEN ACRES DESCRIBED IN PARTITION DEED RECORDED IN VOLUME 3242, PAGE 395 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS IS G.P.S. OBSERVATION TEXAS SOUTH CENTRAL. GEOID 18, NAD 83 WITH A BEARING OF SOUTH 02 DEGREES 14 MINUTES 42 SECONDS EAST, ALONG THE EAST LINE OF SUBJECT TRACT)

COMMENCING AT A POINT FOR THE NORTHWEST CORNER OF THE SAID 14.00 ACRE TRACT ALSO BEING THE NORTHWEST CORNER OF SAID 34.8533 ACRE TRACT;

THENCE, SOUTH 02 DEGREES 15 MINUTES 20 SECONDS EAST, A DISTANCE OF 343.07 FEET ALONG THE WEST LINE OF SAID 14.00 ACRES AND THE WESTERLY LINE OF PART THREE, TO A POINT FOR THE NORTHWEST CORNER OF AFOREMENTIONED 10.9968 ACRE TRACT:

THENCE, NORTH 87 DEGREES 44 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID 10,9968 ACRE TRACT A DISTANCE OF 380.99 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 10.9968 ACRE TRACT;

THENCE, SOUTH 02 DEGREES 14 MINUTES 42 SECONDS EAST, ALONG THE EAST LINE OF SAID 10.9968 ACRE TRACT A DISTANCE OF 742.45 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED SOUTH TEXAS SURVEYING SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEGREES 14 MINUTES 42 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID 10,9988 ACRE TRACT A DISTANCE OF 560.99 FEET TO A 5/6 INCH CAPPED IRON ROD STAMPED SOUTH TEXAS SURVEYING SET ON THE NORTH RIGHT-OF-WAY LINE OF KZ ROAD (60.00 FEET WIDE) FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 78 DEGREES 44 MINUTES 57 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF KZ ROAD A DISTANCE OF 20.57 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE, NORTH 02 DEGREES 14 MINUTES 42 SECONDS WEST, OVER AND ACROSS SAID 10.9968 ACRE TRACT A DISTANCE OF 556.19 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED SOUTH TEXAS SURVEYING SET FOR

NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEGREES 45 MINUTES 18 SECONDS EAST, CONTINUING OVER AND ACROSS SAID 10.9968 ACRE TRACT A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.2565 ACRES (11,172 SQUARE FEET) OF LAND, MORE OR LESS.

NOTE: THE COMPANY IS PROHIBITED FROM INSURING THE AREA OR QUANTITY OF LAND DESCRIBED HEREIN. ANY STATEMENT IN THE ABOVE LEGAL DESCRIPTION OF THE AREA OR QUANTITY OF LAND IS NOT A REPRESENTATION THAT SUCH AREA OR QUANTITY IS CORRECT, BUT IS MADE ONLY FOR INFORMATIONAL AND/OR IDENTIFICATION PURPOSES AND DOES NOT OVERRIDE ITEM 2 OF SCHEDULE B HEREOF.

4. Petitioner alleges:

A. The type of lien sought to be foreclosed is a Home Equity Loan under Tex. Const. Art. XVI sec. 50(a)(6). The lien is indexed at INSTRUMENT NO. RP-2023-456735 recorded on December 5, 2023 and recorded in the real property records of Harris County, Texas (“Deed of Trust”).

B. Petitioner has authority to seek foreclosure of the lien because it is the beneficiary of the Deed of Trust.

C. The name of each Respondent obligated to pay the underlying debt or obligation evidenced by the loan agreement encumbering the property sought to be foreclosed is ERIC MLAK.

D. The name of each Respondent who is a mortgagor of the lien instrument sought to be foreclosed, but who is not a maker or assumer of the underlying debt is STACEY MLAK.

E. As of 06/13/2024:

(i) 6 monthly payments have not been paid. The amount required to cure the default is \$9,435.84. According to Petitioner’s records, all lawful offsets, payments, and credits have been applied to the account in default.

(ii) The total amount to pay off the loan agreement or lien is \$209,442.85.

F. Notice to cure the default has been sent by certified mail to each Respondent who is obligated to pay the underlying debt or obligation. The opportunity to cure has expired.

G. Before this application was filed, any other action required to initiate a foreclosure proceeding by Texas law or the loan agreement or lien sought to be foreclosed was performed.

5. Legal action is not being sought against the occupant of the property unless the occupant is named as a Respondent to this application.

6. If Petitioner obtains a court order, Petitioner will proceed with foreclosure of the property in accordance with applicable law and the terms of the loan agreement or lien sought to be foreclosed.

7. The following documents are attached to this application:

A. An affidavit or declaration of material facts describing the basis for foreclosure.

B. Note and Deed of Trust.


C. A copy of each default notice required to be mailed to any Respondent under Texas law and the loan agreement or lien sought to be foreclosed, and the USPS Tracking Report demonstrating that a notice was sent by certified mail before this application was filed.

8. Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active military service to Petitioner or Petitioner's attorney immediately.

9. *Prayer for Relief.* Petitioner seeks an expedited order under Rule 736 so that it may proceed with foreclosure in accordance with applicable law and terms of the loan agreement or lien sought to be foreclosed.

Respectfully submitted,

**BARRETT, DAFFIN, FRAPPIER,
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