

CAUSE NO. 2024-26057

VILLAGES OF CYPRESS LAKES
COMMUNITY ASSOCIATION, INC.

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IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, T E X A S

MICHAEL BATISTE AND
WATONNA BATISTE

127TH JUDICIAL DISTRICT

DEFAULT JUDGMENT

BE IT REMEMBERED that on this day came on to be heard the above-entitled and numbered cause, wherein VILLAGES OF CYPRESS LAKES COMMUNITY ASSOCIATION, INC. is Plaintiff and MICHAEL BATISTE AND WATONNA BATISTE are Defendants. Plaintiff appeared by its attorney of record and announced ready for trial. Defendants, MICHAEL BATISTE AND WATONNA BATISTE, although having been duly and legally cited to appear and answer herein, failed to appear and answer and wholly made default.

Citation was served according to law and returned to the Clerk where it remained on file for the time required by law.

The Court has read the papers and the pleadings on file and is of the opinion that the allegations of Plaintiff's Original Petition have been admitted and that the cause of action is unliquidated and, upon due and sufficient evidence submitted to the Court, finds that the Plaintiff has been damaged in the total amount of \$3,305.82 by the Defendants.

The Court further finds that is entitled to an award of reasonable and necessary attorney's fees from Defendants MICHAEL BATISTE AND WATONNA BATISTE, jointly and severally, through the trial of this cause in the amount of ~~\$6,546.60~~ ^{2100.00}; that Plaintiff is entitled to recover the additional amount of ~~\$2,500.00~~ ^{1000.00} in attorney's fees in the event Defendants file a Motion for New Trial which is unsuccessful; that Plaintiff is entitled to recover the additional amount of ~~\$7,500.00~~ ^{5000.00} in

attorney's fees in the event of an appeal to the Court of Appeals which is unsuccessful; that Plaintiff is entitled to recover the additional amount of \$7,500.00 in attorney's fees in the event a Petition for Review is taken to the Supreme Court of the State of Texas which is unsuccessful; and that Plaintiff is entitled to recover the additional amount of \$5,000.00 in attorney's fees in the event a Petition for Review is granted and appeal is taken to the Supreme Court of the State of Texas which is unsuccessful. It is, therefore,

ORDERED, ADJUDGED and DECREED that Plaintiff VILLAGES OF CYPRESS LAKES COMMUNITY ASSOCIATION, INC. shall have and recover from Defendants MICHAEL BATISTE AND WATONNA BATISTE, jointly and severally, damages in the amount of \$3,305.82, reasonable attorney's fees in the amount of ~~\$5,500.00~~ ^{2100.00} and necessary attorney's costs of collection in the amount of \$990.12, and if Defendants MICHAEL BATISTE AND WATONNA BATISTE files a Motion for New Trial which is unsuccessful, Plaintiff is entitled to recover the additional sum of ~~\$2,500.00~~ ^{1000.00}; if an appeal is taken to the Court of Appeals which is unsuccessful, Plaintiff is entitled to recover the additional sum of ~~\$7,500.00~~ ^{5000.00} for attorney's fees; if a Petition for Review is taken to the Supreme Court of the State of Texas which is unsuccessful, Plaintiff is entitled to recover the additional sum of \$7,500.00; and if the Petition for Review is granted and appeal is taken to the Supreme Court of the State of Texas which is unsuccessful, Plaintiff is entitled to recover the additional sum of \$5,000.00. It is further

ORDERED, ADJUDGED and DECREED that the Judgment hereby rendered shall bear interest at the rate of eight and one half (8.50%) percent per annum on damages, prejudgment interest, and costs of court from the date of this Judgment until paid. It is further

ORDERED, ADJUDGED and DECREED that Plaintiff Villages of Cypress Lakes

Community Association, Inc. have a lien for assessments, prejudgment interest, costs, and attorney's fees as set out in the Supplemental Declaration of Covenants, Conditions and Restrictions of Villages of Cypress Lakes, Section Five recorded at Clerk's File No. Y145017 of the Official Public Records of Real Property of Harris County, Texas at Article and/or Section 204.010(a)(12) of the TEXAS PROPERTY CODE on the following described property, to-wit:

"Being a tract of land containing 0.3542 of an acre (15,429 square feet) located in Harris County, Texas; said 0.3542 acre tract being a portion of Lot 13 and all of Lot 14, Block 1, our of Villages of Cypress Lakes, Section Five (5), Partial Replat No. One (1), a subdivision in the H.T.C. and B.R.R. Co. Survey, Abstract No. 403, Harris County, Texas, according to the map or plat thereof recorded in Film Code Number 615045 of the Harris County Map Records; said 0.3542 acre being more particularly described by metes and bounds as follows (bearings are based on said Villages of Cypress Lakes, Section 5, Partial Replat No. 1); see Exhibit A attached hereto and made a part of hereof for all purposes, and any improvements therein commonly known as 14502 Packard Falls Court, Cypress, Texas 77429

It is further,

ORDERED, ADJUDGED and DECREED that an order of sale be issued to any Sheriff or Constable within the State of Texas, to seize and to sell the above-described property the same as under execution in satisfaction of this Judgment. It is, further,

ORDERED, ADJUDGED and DECREED that if the property cannot be found, or if the proceeds of the sale are insufficient to satisfy the Judgment, the Sheriff or Constable shall take the money or unpaid balance out of the other property of the Defendants, as in the case of ordinary execution. It is, further,

ORDERED, ADJUDGED and DECREED that if any surplus remains after the payment of sums adjudged to be due, it should be deposited into the Registry of the Court to be paid first in satisfaction of any amounts owed to Plaintiff by Defendants through the date of payment of said


sums, for assessments, costs of collection, interest, attorney's fees or other charges outstanding on the property or properties the subject of this Judgment and which sums are evidenced by the lien or liens in favor of Plaintiff, properly filed in the Real Property records of Harris County, Texas, and if any surplus remains thereafter, it should be refunded to Defendants. It is further,

ORDERED, ADJUDGED and DECREED that all costs of Court expended or incurred in this cause are hereby adjudged against the Defendants and all writs and processes for the enforcement and collection of this Judgment may issue as necessary.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this _____ day of _____, 2024.

Signed:
8/28/2024



JUDGE PRESIDING

APPROVED:

BARTLEY & SPEARS, P.C.

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ATTORNEYS FOR VILLAGES OF CYPRESS LAKES COMMUNITY ASSOCIATION, INC.