IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14-9047

FINAL APPROVAL OF FORMS FOR EXPEDITED FORECLOSURE PROCEEDINGS

ORDERED that:

- 1. Pursuant to the Act of May 27, 2013, 83rd Leg., R.S., ch. 1044 (HB 2978) and section 22.018 of the Texas Government Code, the Supreme Court of Texas approves the following set of forms for use in expedited foreclosure proceedings under Texas Rule of Civil Procedure 736.
- 2. By order dated December 12, 2013, in Misc. Docket No. 13-9171, the Court approved forms for use in Rule 736 proceedings and invited public comment. Following public comment, the Court made revisions to the forms. This order incorporates those revisions, effective immediately.
 - 3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: February 15, 2014

| AHD OM |
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| Vallan Salt |
| Nathan L. Hecht, Chief Justice |
| Jan Sien |
| Paul W. Green, Justice |
| Phil Johnson, Justice |
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| On R Willett |
| Don R. Willett, Justice |
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| 1 la /1. XIII man |
| Eva M. Guzman, Justice |
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| Eva M. Guzman, Justice Debra H. Lehrmann, Justice |
| Debra H. Lehrmann, Justice Jefffey S. Boyd, Justice John P. Devine, Justice |
| Debra H. Lehrmann, Justice Jeffrey S. Boyd, Justice |

| | Cause No. | • | | |
|----------------------|--|------------|----------------|---------------------------------------|
| In R | de: Order for Foreclosure | § | In the | [type of court, e.g., |
| Con | cerning | | | county, or probate Court |
| [<i>proj</i> 736 | perty address] Under Tex. R. Civ. P. | <i>\$</i> | · | |
| Petit | tioner: | . § | | |
| | | § | | County, Texas |
| | | § | , | • |
| | | | | |
| | • | § | | * |
| Dage | andow(s) | § | | |
| Kesp | oondent(s): | § 8 | | |
| | .' | § § | | [court designation] |
| | | § | | |
| | \hat{i} | Ü | - | |
| | Application for an Exped | | | · |
| | Home Equity, Reverse Mortgag | ge, or Ho | me Equity Line | of Credit Loan |
| 1. | Petitioner is, whose last k | known ad | dress is | · · · · · · · · · · · · · · · · · · · |
| 2. | Respondent is, whose last | known a | ddress is | · |
| 3. | The property encumbered by the | | • | • |
| | -, - , - , - , - , - , - , - , - , - , | | | |
| | be foreclosed is commonly know | n as | · · · · | _ [street address of the |
| | property] with the following legal de | scription | ; | |
| | [legal descri | ption of t | he property | |
| | | | 1 1 7 1 | |
| 4. | Petitioner alleges: | | | • |
| | | | | |

| A. | The type of lien sought to be foreclosed is a [see liens described in |
|----|---|
| | Texas Rule of Civil Procedure 735.1(a)] under [state the statutory or |
| | constitutional authority for the lien]. The lien is indexed at |
| , | [volume/page, instrument number, or clerk's file number] and recorded in the real |
| | property records of County, Texas. |
| В. | Petitioner has authority to seek foreclosure of the lien because |
| | · |
| C. | The name of each Respondent obligated to pay the underlying debt or obligation |
| , | evidenced by the [loan agreement, contract, or lien] encumbering |
| | the property sought to be foreclosed is |
| 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 |
| | · |
| E. | As of [a date that is no more than sixty days prior to the date that the |
| | application is filed]: |
| | (i) [If the default is monetary.] [number and frequency of payments |
| | (e.g., monthly)] have not been paid. The amount required to cure the |
| | default is According to Petitioner's records, all lawful offsets, |
| | payments, and credits have been applied to the account in default. |

| | | (ii) [. | If the lien secures a reverse mortgage or the default is nonmonetary.] The |
|----|-------|-------------|--|
| , | , | fa | acts creating the default and Petitioner's authority to enforce the lien are |
| | | _ | . |
| | | (iii) T | The total amount to pay off the [loan agreement, contract, or |
| | | · li | en] is |
| | F. | Notice to | cure the default has been sent by certified mail to each Respondent who |
| | | is obliga | ted 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 |
| | | foreclosu | are proceeding by Texas law or the [loan agreement, contract, |
| | | or lien] s | sought to be foreclosed was performed. |
| 5. | Lega | l action is | not being sought against the occupant of the property unless the |
| , | occuj | oant is nan | ned as a Respondent in this application. |
| 6. | If Pe | titioner ob | otains a court order, Petitioner will proceed with foreclosure of the |
| | prop | erty in acc | cordance with applicable law and the terms of the [loan |
| | agree | ment, cont | tract, or lien] sought to be foreclosed. |
| 7. | The f | ollowing d | ocuments are attached to this application: |
| | Å. | An affida | avit or declaration of material facts describing the basis for foreclosure. |
| | B. | The | [note, original recorded lien, or other documentation] establishing |
| | | the lien. | |

| | C. | [If the lien has been assigned.] The current assignment of the lien recorded in the |
|----|---------|---|
| | | real property records of the county where the property is located. |
| | D. | A copy of each default notice required to be mailed to any Respondent under |
| | | Texas law and the [loan agreement, contract, or lien] sought to be |
| | | foreclosed, and the [USPS Tracking report, return receipt, or other |
| | | proof] demonstrating that a notice was sent by certified mail before this |
| | | application was filed. |
| 8. | Asser | t 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 | s, please send written notice of the active duty military service to Petitioner or |
| | Petitie | oner's attorney immediately. |
| 9. | Praye | r for Relief: Petitioner seeks an expedited order under Rule 736 so that it may |
| | procee | ed with foreclosure in accordance with applicable law and terms of the |
| | [loan | agreement, contract, or lien] sought to be foreclosed. |
| | · | |
| | | |
| | | [Petitioner's signature block] |
| | | |

| | Cause No. | ·• | | • |
|--------|---|---|------------------|--|
| Conc | e: Order for Foreclosure erning erty address] Under Tex. R. Civ. P. | *** | | [type of court, e.g., unty, or probate] Court |
| Petiti | oner: | *** | | County, Texas |
| | ondent(s): olication for an Expedited Order Und | \$ \$ \$ \$ \$ \$ der Rule 73 | | |
| 1. | Tax Loan Created After Septer Petitioner is, whose last I | | | |
| 2. | Respondent is, whose last | known addı | ress is | · |
| 3. | The property encumbered by the | [loo | an agreement, co | ontract, or lien] sought to |
| | be foreclosed is commonly know | vn as | | [street address of the |
| - | property] with the following legal de | escription: | | |
| | [legal descri | iption of the | property] | , |
| 4. | Petitioner alleges: | | | |

| A. | The type of lien sought to be foreclosed is a [see liens described in |
|----|---|
| | Texas Rule of Civil Procedure 735.1(b)] under [state the statutory or |
| | constitutional authority for the lien]. The lien is indexed at |
| | [volume/page, instrument number, or clerk's file number] and recorded in the real |
| | property records of County, Texas. |
| В. | Petitioner has authority to seek foreclosure of the lien because |
| C. | The name of each Respondent obligated to pay the underlying debt or obligation |
| | evidenced by the [loan agreement, contract, or lien] encumbering |
| | the property sought to be foreclosed is |
| 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 |
| | |
| E. | The name of each Respondent who is an owner of the property is |
| F. | The name of each Respondent who is the holder of any recorded preexisting first |
| | lien secured by the property is |
| G. | As of [a date that is no more than sixty days prior to the date that the |
| | application is filed: |

| | | (i) [If the default is monetary.] [number and frequency of payments |
|----|--------|---|
| | | (e.g., monthly)] have not been paid. The amount required to cure the |
| | | default is According to Petitioner's records, all lawful offsets, |
| | | payments, and credits have been applied to the account in default. |
| | | (ii) [If the default is nonmonetary.] The facts creating the default are |
| | • | · |
| | | (iii) The total amount to pay off the [loan agreement, contract, or |
| - | | <i>lien</i>] is |
| | H. | Notice to cure the default has been sent by certified mail to each Respondent |
| | | obligated for the underlying debt or contract. The opportunity to cure has expired. |
| | I. | Before this application was filed, any other action required to initiate a |
| | | foreclosure proceeding by Texas law or the [loan agreement, contract, |
| | | or lien] sought to be foreclosed was performed. |
| 5. | The li | en or contract sought to be foreclosed was created on Petitioner affirms |
| | that: | |
| | A´. | The lien is an ad valorem tax lien instead of a lien created under Section 50, |
| | | Article XVI, Texas Constitution. |
| | в. | Petitioner does not seek a court order required by Section 50, Article XVI, Texas |
| | | Constitution. |

| C. | Petitioner has provided notice to cure the default, notice of intent to accelerate, |
|--------|---|
| | and notice of acceleration of the maturity of the debt to the property owner and |
| | each holder of a recorded first lien on the property in the manner required by |
| | Section 51.002, Property Code. |
| D. | The property owner has not requested a deferral of taxes authorized by Section |
| | 33.06, Tax Code. |
| Legal | action is not being sought against the occupant of the property unless the |
| occup | ant is named as a Respondent in this application. |
| If Pet | itioner obtains a court order, Petitioner will proceed with foreclosure of the |
| prope | erty in accordance with applicable law and the terms of the [loan |
| agree | ment, contract, or lien] sought to be foreclosed. |
| The fo | ollowing documents are attached to this application: |
| A. | An affidavit or declaration of material facts describing the basis for foreclosure. |
| B. | The [note, original recorded lien, or other documentation] establishing |
| | the lien. |
| C. , | [If the lien has been assigned.] The current assignment of the lien recorded in the |
| | real property records of the county where the property is located. |
| Ď. | A copy of each default or other notice required to initiate foreclosure by Sections |
| • | 32.06 and 32.065, Tax Code, and the [loan agreement, contract, or |
| | lien] sought to be foreclosed, and the [USPS Tracking report, |

6.

7.

8.

return receipt, or other proof] demonstrating a notice was sent by certified mail before this application was filed.

- E. The property owner's sworn document, required by Section 32.06(a-1), Tax Code.
- F. The taxing authority's certified statement transferring the lien, required by Section 32.06(b), Tax Code.
- 9. 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 duty military service to Petitioner or Petitioner's attorney immediately.
- 10. 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, contract, or lien] sought to be foreclosed.

[Petitioner's signature block]

| | | Cause No.: | | |
|--------|--------------------|---------------------------------|----------------|--|
| | | | | |
| | | r for Foreclosure | § | In the [type of court, e.g., |
| [prop | erning erty add | dress] Under Tex. R. Civ. P. | § § | district, county, or probate] Court |
| 736 | • | , | § | |
| Patiti | oner: | • | § 8 | |
| Tent | oner. | | 8 § | County, Texas |
| | | · | § | |
| | | | § § | |
| | | | § | |
| Resp | ondent | (s): | § 8 | |
| | | | § § | [court designation] |
| | | • | § | |
| | | Application for an Exped | ited Order | Under Rule 736 on a |
| | | Property Owners | | |
| 1. | Petiti | oner is, whose last k | nown addres | ss is |
| 2. | Respo | ondent is, whose last l | known addre | ess is |
| 3. | The 1 | property encumbered by the lie | n sought to | be foreclosed is commonly known as |
| | | [street address | of the proper | rty] with the following legal description: |
| | • | | | • |
| | | [legal descrip | otion of the p | property] |
| 4. | Petiti | oner alleges: | | |
| | A. | The type of lien sought to be a | foreclosed is | a[see liens described in |
| | | Texas Rule of Civil Procedur | e 735.1(c)] 1 | under [state the statutory or |

| | const | itutional authority for the lien]. The dedicatory instrument creating the lien |
|-------------|--------|--|
| | and | the power of sale is indexed at [volume/page, |
| • | instru | ment number, or clerk's file number] and recorded in the real property |
| | record | ds of County, Texas. |
| В. | Petiti | oner has authority to seek foreclosure of the lien because |
| | | |
| C. ; | The n | name of each Respondent obligated to pay the underlying debt or obligation |
| | evide | nced by the lien encumbering the property sought to be foreclosed is |
| | | · · · · · · · · · · · · · · · · · · · |
| D. | As of | [a date that is no more than sixty days prior to the date that the |
| | appli | cation is filed]: |
| | (i) | [If the default is monetary.] [number and frequency of payments |
| | | (e.g., monthly)] have not been paid. The amount required to cure the |
| | | default is According to Petitioner's records, all lawful offsets, |
| , | | payments, and credits have been applied to the account in default. |
| | (ii) | [If the default is nonmonetary.] The facts creating the default are |
| | | · |
| E. | Notic | e to cure the default has been sent to each Respondent obligated to pay the |
| | lien b | y certified mail. The opportunity to cure has expired. |

- F. Before this application was filed, any other action required to initiate a foreclosure proceeding by Texas law or the 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 in 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, contract, 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. The _____ [original recorded lien or other documentation] establishing the lien.
 - C. [If the lien has been assigned.] The current assignment of the lien recorded in the real property records of the county where the property is located.
 - D. A copy of each default notice required to be mailed to any Respondent under

 Texas law and the lien sought to be foreclosed, and the ______[USPS

 Tracking report, return receipt, or other proof] demonstrating that a notice was sent by certified mail before the 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 duty 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, contract, or lien] sought to be foreclosed. |

[Petitioner's signature block]

| | | · |
|---|---|----------------------------|
| In Re: Order for Foreclosure | | [type of court, e.g., |
| Concerning | § district, co § § § § | ounty, or probate] Court |
| Petitioner: | § § § | County, Texas |
| Respondent(s): | § § § | |
| | § § § ———————————————————————————————— | [court designation] |
| Affidavit in Support of Petitioner's Appli | ication for an Expedited | Order Under Rule 736 |
| State of Texas | | |
| County of | | |
| Before me, the undersigned notary, on this affiant], and stated under oath: | s day personally appeared | [name of |
| 1. My name is of sound mind. | [first, middle, and las | t name]. I am an adult and |
| 2. I am [job ti | itle or position] of | [name of |
| affiant's employer], whose address | | - |
| state, and zip code]. My affidavit cond | | • |
| person who is obligated for the u | nderlying debt or lien | sought to be foreclosed] |
| ("Obligor"). | . [Explain the relationsh | ip between the affiant or |
| the affiant's employer and Petitioner (| (e.g., affiant's employer is Page 16 | the agent for loan service |

Cause No.

administration for Petitioner) and the connection or role of the affiant or the affiant's employer with respect to the servicing or foreclosure of Obligor's account (e.g., mortgage or mortgage servicer).]

- 3. I have read and understand the purpose of the application to which my affidavit is attached and adopt by reference the statements made in it. I am the authorized agent or representative of Petitioner with respect to Obligor's account, and in that capacity, I am authorized to make this affidavit on Petitioner's behalf. My testimony is based on my experience, my knowledge of the usual business practices of ______ [affiant's employer] and the servicing industry in general, my job responsibilities, and the servicing records for Obligor's account.
- 4. Through my job responsibilities, I have access to and have reviewed the servicing records and data for Obligor's account, including electronic and computer generated records and data compilations. The records attached to the application are the original records or exact duplicates of the original records kept in the servicing file for Obligor's account.
- 5. Based on the regular practices of _____ [affiant's employer] and the servicing industry in general, these records:
 - a. were made at or near the time of each act, event, or condition set forth in the records;
 - b. were made by, or from information transmitted by, a person engaged in the servicing of Obligor's account who had actual knowledge of the acts, events, or conditions recorded; and
 - c. are the kind of records that are kept in the regular course of servicing loan agreements.
- 6. It is the regular practice of businesses engaged in the servicing of loan agreements or other contracts requiring the collection of money to keep accurate records on debits and credits to an account, an account's balance, the collateral securing the right to the

| | · |
|--------------------------------------|--|
| | |
| lienholder's right to repayment, as | nd efforts to enforce the underlying debt if the Obligor |
| has defaulted. These records are a | relied upon for accuracy by all persons engaged in the |
| servicing and enforcement of a lo | an agreement. There is no indication that the servicing |
| records for Obligor's account are u | untrustworthy. |
| Based on the servicing records f | for Obligor's account, [State all |
| facts demonstrating the basis for | r foreclosure, including, if applicable, the number of |
| unpaid scheduled payments, the ar | mounts required to cure the default and payoff the loan, |
| and the credits and offsets that he | ave been applied to Obligor's account. Describe proof |
| (e.g., USPS Tracking report, retur | n receipt, or other proof) that Obligor was given notice |
| of the default by certified mail.] | |
| | personal knowledge that I have obtained by reviewing |
| | s account. The statements made in the application and |
| my affidavit are true and correct as | s of the date stated. |
| | Signed this day of, 20 |
| | |
| N. Carlotte | [printed name and title of affiant] |
| | |
| | [signature of affiant] |
| | |
| Signed under oath before me on _ | , 20 |
| • | |
| ary's seal] | |
| | |
| | Notary Public in and for the State of Texas |
| | |
| | My commission expires: |
| | Page 18 |
| | |
| | |
| | |

| | | Order for Foreclosure | | the [type of court, e.g., trict, county, or probate] Court |
|----------------|-----|------------------------------------|----------------------------------|--|
| [<i>pro</i>] | pei | rning rty address] Under Tex. I | R. Civ. P. | inici, county, or probine Court |
| Peti | | ner: | § | County, Texas |
| | | | § § § | |
| Res | poi | ndent(s): | § § § § | [court designation] |
|] | De | claration in Support of P | etitioner's Application for an | Expedited Order Under Rule 73 |
| I, | | [name], dec | clare: | |
| | 1. | My name isand of sound mind. | [first, middle | e, and last name]. I am an adult |
| ? | 2. | I am | [job title or position] c | of [name of |
| | | declarant's employer], w | hose address is | [street address, city, |
| | | state, and zip code]. My | declaration concerns the accou | unt of [name of |
| | | each person who is obli | gated for the underlying debt | or lien sought to be foreclosed] |
| | | ("Obligor") | [Explain the relai | tionship between the declarant or |
| | | the declarant's employer | and Petitioner (e.g., declarant | t's employer is the agent for loan |
| | | service administration fo | r Petitioner) and the connection | on or role of the declarant or the |
| | | declarant's employer wi | th respect to the servicing or j | foreclosure of Obligor's account |

Cause No.

(e.g., mortgagee or mortgage servicer).]

- 3. I have read and understand the purpose of the application to which my declaration is attached and adopt by reference the statements made in it. I am the authorized agent or representative of Petitioner with respect to Obligor's account, and in that capacity, I am authorized to make this declaration on Petitioner's behalf. My testimony is based on my experience, my knowledge of the usual business practices of ______ [declarant's employer] and the servicing industry in general, my job responsibilities, and the servicing records for Obligor's account.
- 4. Through my job responsibilities, I have access to and have reviewed the servicing records and data for Obligor's account, including electronic and computer generated records and data compilations. The records attached to the application are the original records or exact duplicates of the original records kept in the servicing file for Obligor's account.
- 5. Based on the regular practices of _____ [declarant's employer] and the servicing industry in general, these records:
 - a. were made at or near the time of each act, event, or condition set forth in the records;
 - were made by, or from information transmitted by, a person engaged in the servicing of Obligor's account who had actual knowledge of the acts, events, or conditions recorded; and
 - c. are the kind of records that are kept in the regular course of servicing loan agreements.
- 6. It is the regular practice of businesses engaged in the servicing of loan agreements or other contracts requiring the collection of money to keep accurate records on debits and credits to an account, an account's balance, the collateral securing the right to the lienholder's right to repayment, and efforts to enforce the underlying debt if the Obligor has defaulted. These records are relied upon for accuracy by all persons engaged in the servicing and enforcement of a loan agreement. There is no indication that the servicing records for Obligor's account are untrustworthy.

| • | |
|---------------------------------------|---|
| [State all | 7. Based on the servicing records for Obligor's account, |
| applicable, the number of | facts demonstrating the basis for foreclosure, including |
| default and payoff the loan, | unpaid scheduled payments, the amounts required to cur |
| r's account. Describe proof | and the credits and offsets that have been applied to O |
| | (e.g., USPS Tracking report, return receipt, or other pro |
| an e enger was grown nemer | of the default by certified mail. |
| have obtained by reviewing | 8. I sign this declaration based on the personal knowledge |
| | |
| made in the application and | the servicing records for Obligor's account. The statem |
| | my declaration are true and correct as of the date stated. |
| , , , , , , , , , , , , , , , , , , , | |
| : 1 | |
| | JURAT |
| my date of birth is | name is [first, middle, and |
| eet, city, state, zip code, and | , and my address is |
| | |
| and correct. | ntry]. I declare under penalty of perjury that the foregoing is |
| | |
| | ecuted on theday of[month],[year]. |
| • | cuted on the day of [month], [year]. |
| • | |
| | |
| [signature of declarant] | |

CITATION ISSUED PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 736.3

| The State of Texas | |
|---|--|
| Court: | |
| Cause No. | |
| In Re: Order for Foreclosure Concerning [property address] under Tex. R. Civ. P. 736 | |
| To: [name], Respondent, and address of the Respondent]. | [state the last known |
| ☐ To: Occupant of | [state the mailing address of the property |
| to be foreclosed]. NOTICE: You are not required to file a r Respondent in the attached application. | |
| Petitioner in this suit is Petitioner filed in this Court an Application for a Respondents named in the application are attached to this citation. Petitioner is being repres [address of Petitioner or Petitione | A copy of the application is ented by, whose address is |
| Notice to Respondent | |
| You have been sued. You may employ an at clerk who issued the citation by the first Monday [the date that the citation was placed you do not file a response by the due date, a default Form of Response | following the expiration of 38 days from in the mail. Do not ignore these papers. If |

A response must be signed in accordance with Rule 57, Texas Rules of Civil Procedure, and may be in the form of a general denial in accordance with Rule 92, Texas Rules of Civil Procedure, except that a Respondent must affirmatively plead:

- 1. Why the Respondent believes that a Respondent did not sign a loan agreement document, if applicable (Respondent must identify the agreement with specificity);
- 2. Why the Respondent is not obligated for payment of the lien;
- 3. Why the number of months of alleged default or the reinstatement or payoff amounts are materially incorrect;
- 4. Why any document attached to the application is not a true and correct copy of the original; or
- 5. Proof of payment in accordance with Rule 95, Texas Rules of Civil Procedure.

Return of Service

| [time], I placed a copy of this citation and the attached ondent or Occupant listed next to the box checked above, in arvice in a properly addressed, postage prepaid envelope in a mailing procedures. The citation and application were sent mail. Under Rule 736.3, Texas Rule of Civil Procedure, this eipt. | application, addressed to the Res the custody of the U.S. Postal accordance with the clerk's stand |
|--|---|
| [signature of clerk or deputy clerk] | |
| [printed name of clerk] | |
| [seal of clerk] | |

CITATION ISSUED PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 106

| ine | State of Texas | · | | | |
|-------|---|---|--|--|--|
| Cour | Court: | | | | |
| Caus | | | | | |
| | e: Order for Foreclosure Concerningerty address] under Tex. R. Civ. P. 736 | · | | | |
| | To: [name], Respondent, at address of the Respondent]. | t | [state the last known | | |
| | To: Occupant of to be foreclosed]. NOTICE: You are not required to file a representation. | • | | | |
| Respo | Petitioner in this suit is oner filed in this Court an Application for a ondents named in the application are ned to this citation. Petitioner is being repres [address of Petitioner or Petitione | n Expedited Order A copy sented by | Under Rule 736. The | | |
| Not | tice to Respondent | | e e | | |
| you | You have been sued. You may employ an a rk who issued the citation by the first Monday [the date that the citation was placed a do not file a response by the due date, a default | following the expiration of the mail. Do no | ration of 38 days from t ignore these papers. If | | |
| Form | of Response | • | | | |

A response must be signed in accordance with Rule 57, Texas Rules of Civil Procedure, and may be in the form of a general denial in accordance with Rule 92, Texas Rules of Civil Procedure, except that a Respondent must affirmatively plead:

- 1. Why the Respondent believes that a Respondent did not sign a loan agreement document, if applicable (Respondent must identify the agreement with specificity);
- 2. Why the Respondent is not obligated for payment of the lien;
- 3. Why the number of months of alleged default or the reinstatement or payoff amounts are materially incorrect;
- 4. Why any document attached to the application is not a true and correct copy of the original; or
- 5. Proof of payment in accordance with Rule 95, Texas Rules of Civil Procedure.

| [signature of clerk or deputy clerk] | | |
|--------------------------------------|---|---|
| | • | , |
| | | |
| [printed name of clerk] | | · |
| | | |
| | | ı |
| [seal of clerk] | | • |

| Cause No. | · | |
|---|---|--|
| In Re: Order for Foreclosure Concerning [property address] Under Tex. R. Civ. P. 736 | § In the § § § § § § § | [type of court, e.g., district, county, or probate] Court |
| Petitioner: | \$ \$ \$ | County, Texas |
| Degrandant(a) | § § | |
| Respondent(s): | § § § § | [court designation] |
| Military | Status Affidavit | |
| State of Texas | | |
| County of | | |
| Before me, the undersigned notary, on the affiant], and stated under oath: | is day personally app | peared [name of |
| 1. My name is of sound mind. | [first, middle, ar | nd last name]. I am an adult and |
| 2. Respondent's name is | | <u> </u> |
| 3. I am [job title or pose employer] employer and Petitioner.] I have paffidavit. These facts are true and corn | [<i>Explain re</i> personal knowledge | elationship hetween affiant's |

| 4. [<i>Choo</i> | se one] |
|------------------|---|
| a. | I know that Respondent is not currently in the military because I asked the U.S. Department of Defense to check its Defense Manpower Data Center (DMDC) database. DMDC notified me that Respondent is not on active duty in any of the armed forces. I attach a true copy of the DMDC verification. [You can print a copy of the DMDC verification from this web address: https://www.dmdc.osd.mil/appj/scra/scraHome.do .] |
| b. | I know that Respondent is not currently in the military because [State facts that would render a person ineligible for military service, such as being in prison or having a serious disability.] |
| c. | I am unable to determine if Respondent is in military service. |
| d. | Respondent is in the military now. |
| | spondent was previously in the military.] Respondent's period of military service more than months before this proceeding was filed. [signature of affiant] |
| Signed under | eath hafara ma an |
| Signed under | oath before me on, 20 |
| | |
| [notary's seal | |
| | |
| | Notary Public in and for the State of Texas |
| | |
| | My commission expires |

| Cause | e No | | | |
|---------|---|--|---------------------------------------|--|
| Conce | : Order for Foreclosure erningerty address] Under Tex. R. Civ. P. | - 8 | | [type of court, e.g., ounty, or probate] Court |
| Petitio | onar | § | , | |
| | oner: | <i>\$\text{a}\$</i> \$\text{a}\$ \$\text{a} | | County, Texas |
| Respo | ondent(s): | \$ \$ \$ \$ \$ \$ \$ \$ \$ | <u>.</u> | [court designation] |
| | Military | Status Declar | ation | |
| I, | [name], declare: | | | |
| 1. | My name is of sound mind. | [first, mi | iddle, and last | name]. I am an adult and |
| 2. | Respondent's name is | • | · . | _• |
| 3. | I am [job title or poemployer]. employer and Petitioner.] I have affidavit. These facts are true and contains the second of the second | [Explose personal kno | <i>ain relations)</i> wledge of th | hip between declarant's e facts set forth in this |
| 4. | [Choose one] | • | | 4. |
| | e. I know that Respondent is a Department of Defense to database. DMDC notified n | check its Defe | ense Manpow | er Data Center (DMDC) |

| | armed forces. I attach a true copy of the DMDC verific copy of the DMDC verification from the https://www.dmdc.osd.mil/appj/scra/scraHome.do.] | |
|----------------|---|--------------------------|
| f. | I know that Respondent -is not currently in [State facts that would render a military service, such as being in prison or having a serious | a person ineligible for |
| g. | I am unable to determine if Respondent is in military servi | ce. |
| h. | Respondent is in the military now. | · |
| | spondent was previously in the military.] Respondent's pell more than months before this proceeding was filed. JURAT | riod of military service |
| My name | is [first, middle, and last], m | ny date of birth is |
| | and my address is [street, | |
| country]. I de | eclare under penalty of perjury that the foregoing is true and | correct. |
| Executed on t | the day of [month], [year]. | |
| | | |
| | | [signature of declarant] |

| , | | Cause No.: | | | |
|----------|----------------------------|--------------------|---|---------------|--|
| Concer | Order for Foreclos ning | | & & & & & & | In the | [type of court, e.g., ounty, or probate] Court |
| Petition | ner: | | ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ | | County, Texas |
| Respon | dent(s): | | 8 8 8 8 | , | [court designation] |
| | | Defa | ault Order | | |
| | - | xpedited order und | der Rule 736. | Petitioner's | default order granting its application complies with |
| 2. | The name and la | , | | | subject to this order is with the citation, but none |
| | filed a response v | vithin the time r | equired by l | aw. The ret | urn of service for each |
| | Respondent has bee | n on file with the | court for at lea | ast ten days. | |
| 3. | The property that i | | | | g is commonly known as |
| | | | | | |

| | [legal description of the property] |
|-------|---|
| 4. | The lien to be foreclosed is indexed or recorded at [volume/page |
| | instrument number, or clerk's file number] and recorded in the real property records of |
| | County, Texas. |
| 5. | The material facts establishing Respondent's default are alleged in Petitioner's |
| | application and the supporting [affidavit or declaration]. Those facts are |
| | adopted by the court and incorporated by reference in this order. |
| 6. | Based on the [affidavit or declaration] of Petitioner, no Respondent subject to |
| | this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 |
| | U.S.C. App. § 501 et seq. |
| 7. | Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of |
| r | Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property |
| | described above in accordance with applicable law and the [loan |
| | agreement, contract, or lien] sought to be foreclosed. |
| 8. | This order is not subject to a motion for rehearing, a new trial, a bill of review, or an |
| | appeal. Any challenge to this order must be made in a separate, original proceeding filed |
| | in accordance with Texas Rule of Civil Procedure 736.11. |
| SIGNI | ED this day of, 20 |

JUDGE PRESIDING