### 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
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
Eva M. Guzman, Justice
Eva M. Guzman, Justice
Eva M. Guzman, Justice  Debra H. Lehrmann, Justice
Eva M. Guzman, Justice
Eva M. Guzman, Justice  Debra H. Lehrmann, Justice
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.	•	<del></del>	
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]
		§	<del></del>	
	$\hat{i}$	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
		_	<del>.</del>
		(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
	Petiti	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.	·•	<del></del>	•
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 Septe			
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 contract, o
	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
		·	<b>§</b>	
			§ §	
			<b>§</b>	
Resp	ondent	(s):	§ 8	
			§ §	[court designation]
		•	<b>§</b>	
		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
<b>C.</b> ;	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 s	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:	<b>§</b>	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	t:				
Caus	Cause No				
	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	<del></del>	<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]
<b>a.</b>	I know that Respondent is <b>not</b> 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: <a href="https://www.dmdc.osd.mil/appj/scra/scraHome.do">https://www.dmdc.osd.mil/appj/scra/scraHome.do</a> .]
b.	I know that Respondent is <b>not</b> 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.	- <b>8</b>		[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	•	· .	<b>_•</b>
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)

copy of the	ttach a true copy of the DMDC verification. [You be a substitution of this week cosd.mil/appj/scra/scraHome.do.]	-
	Respondent -is <b>not</b> currently in the mili [State facts that would render a person uch as being in prison or having a serious disabili	ineligible for
g. I am unable to dete	ermine if Respondent is in military service.	
h. Respondent is in the	he military now.	
20 2	iously in the military.] Respondent's period of months before this proceeding was filed.  JURAT	nilitary service
My name is	[first, middle, and last], my date	•
, and my add	dress is [street, city, state	, zip code, and
country]. I declare under penalty	of perjury that the foregoing is true and correct.	
Executed on the day of	[month], [year].	
	[signatur	e 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