

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 13-9171

ORDER APPROVING FORMS FOR EXPEDITED FORECLOSURE PROCEEDINGS

ORDERED that:

1. Pursuant to the Act of May 27, 2013, 83rd Leg., R.S. (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. The Clerk is directed to:

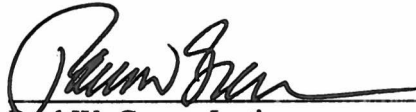
- a. file a copy of this order with the Secretary of State;
- b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this order to each elected member of the Legislature; and
- d. submit a copy of the order for publication in the *Texas Register*.

3. These forms may be changed in response to comments received on or before January 31, 2014. Any interested party may submit written comments to Martha Newton, Rules Attorney, at P.O. Box 12248, Austin, TX 78711, or rulescomments@txcourts.gov.

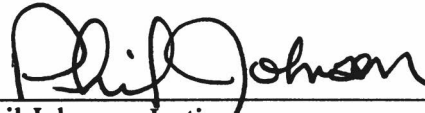
Dated: December 12, 2013



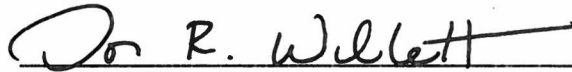
Nathan L. Hecht, Chief Justice



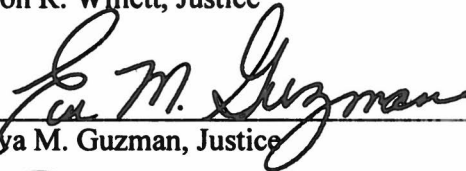
Paul W. Green, Justice



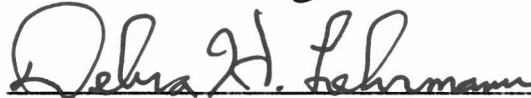
Phil Johnson, Justice



Don R. Willett, Justice



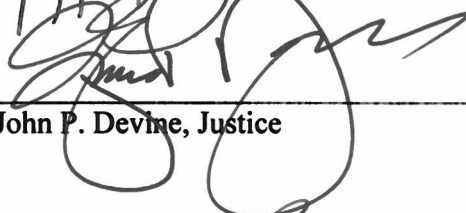
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

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, probate] Court
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Petitioner:

____ County, Texas

Respondent(s):

____ [court designation]

**Application For Expedited Foreclosure of a Lien Securing a
Home Equity Loan, Reverse Mortgage, or Home Equity Line of Credit**

1. Petitioner is _____, whose last known address is _____.
2. Respondent is _____, whose last known address is _____.
3. The property encumbered by the _____ [loan agreement, contract, or lien] sought to be foreclosed is commonly known as _____ [street address of the property] with the following legal description:

[legal description 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(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.
- B. Petitioner has authority to seek foreclosure of the lien because _____.
- C. The name of each person 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 mortgagor of the lien instrument sought to be foreclosed, who is not a maker or assumer of the underlying debt, is _____.
- E. As of _____ [*a date that is not 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 lien]* is _____.
- F. Notice to cure the default has been sent to Respondent by certified mail. The opportunity to cure has expired.
- G. Before this application was filed, any other action required under applicable law and the _____ *[loan agreement, contract, 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 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 petition:
 - 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.

- D. A copy of each notice required to be mailed to any person under applicable law and the _____ [*loan agreement, contract, or lien*] sought to be foreclosed before the application was filed, and the _____ [*USPS Tracking report, return receipt or other proof*] demonstrating that each notice was sent to Respondent's last known address by certified mail.
8. *Prayer for Relief:* Petitioner seeks a Rule 736 order 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.: _____

**In Re: Order for Foreclosure
Concerning _____ [property address]
Under Tex. R. Civ. P. 736**

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**In the _____ [type of court, e.g., district,
county, probate] Court**

Petitioner:

_____ **County, Texas**

Respondent(s):

_____ [court designation]

**Application For Expedited Foreclosure of a Lien Securing a
Tax Lien Transfer or Property Tax Loan Created Before May 29, 2013**

1. Petitioner is _____, whose last known address is _____.
2. Respondent is _____, whose last known address is _____.
3. The property encumbered by the _____ [loan agreement, contract, or lien] sought to be foreclosed is commonly known as _____ [street address of the property] with the following legal description:

_____ [legal description 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.
- B. Petitioner has authority to seek foreclosure of the lien because _____.
- C. The name of each person 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 mortgagor of the lien instrument sought to be foreclosed, who is not a maker or assumer of the underlying debt, is _____.
- E. As of _____ [*a date that is not 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 lien*] is _____.

F. Notice to cure the default has sent to Respondent by certified mail. The opportunity to cure has expired.

G. Before this application was filed, any other action required under applicable law and the _____ [*loan agreement, contract, or lien*] sought to be foreclosed was performed.

5. The lien 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.

B. The 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.

6. **Legal action is not being sought against the occupant of the property unless the occupant is named as a respondent in this application.**
7. **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.**
8. The following documents are attached to this petition:
 - 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.
 - D. A copy of each notice required to be mailed to any person under applicable law and the _____ [*loan agreement, contract, or lien*] sought to be foreclosed before the application was filed, and the _____ [*USPS Tracking report, return receipt, or other proof*] demonstrating that each notice was sent to Respondent's last known address by certified mail.
 - 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. *Prayer for Relief:* Petitioner seeks a Rule 736 order 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.: _____

In Re: Order for Foreclosure
Concerning _____ [property address]
Under Tex. R. Civ. P. 736

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In the _____ [type of court, e.g., district,
county, probate] Court

Petitioner:

_____ County, Texas

Respondent(s):

_____ [court designation]

**Application For Expedited Foreclosure of a Lien Securing a
Property Owners' Association Assessment**

- 1. Petitioner is _____, whose last known address is _____.
- 2. Respondent is _____, whose last known address is _____.
- 3. The property encumbered by the _____ [loan agreement, contract, or lien] sought to be foreclosed is commonly known as _____ [street address of the property] with the following legal description:

[legal description 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(c)*] 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.
- B. Petitioner has authority to seek foreclosure of the lien because _____.
- C. The name of each person 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. As of _____ [*a date that is not 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 _____.
- E. Notice to cure the default has been sent to Respondent by certified mail. The opportunity to cure has expired.

- F. Before this application was filed, any other action required under applicable law and the _____ [*loan agreement, contract, 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 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 petition:
- 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.
- D. A copy of each notice required to be mailed to any person under applicable law and the _____ [*loan agreement, contract, or lien*] sought to be foreclosed before the application was filed, and the _____ [*USPS Tracking report, return receipt, or other proof*] demonstrating that each notice was sent to Respondent's last known address by certified mail.

8. *Prayer for Relief:* Petitioner seeks a Rule 736 order 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. _____

**In Re: Order for Foreclosure
Concerning _____ [property address]
Under Tex. R. Civ. P. 736**

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**In the _____ [type of court, e.g., district,
county, probate] Court**

Petitioner:

_____ **County, Texas**

Respondent(s):

_____ [court designation]

**Affidavit of _____ in Support of Petitioner’s Application
for an Expedited Rule 736 Order**

State of Texas

County of _____

Before me, the undersigned notary, on this day personally appeared _____ [name of
affiant], and stated under oath:

1. My name is _____ [first, middle, and last name]. I am an adult and of sound mind.
2. I am _____ [job title or position] of _____ [name of
affiant’s employer], whose address is _____ [street address, city,
state, and zip code]. _____ [name of affiant’s employer] is the
_____ [state connection or role of employer with respect to the servicing or
foreclosure of Respondent’s account, e.g., mortgagee, mortgage servicer, attorney of

record] of the account of _____ [*name of the person(s) obligated to pay the underlying obligation*] (“Obligor”) who is the person obligated for the underlying debt or obligation supporting the lien sought to be foreclosed.

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 the application and documents attached. I am the authorized agent or representative of _____ [*name of petitioner*] (“Petitioner”) 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 Petitioner and the servicing industry in general, my job responsibilities, and my review of the records related to Obligor’s account in my custody and control.
4. In performing my duties and responsibilities for Petitioner, I have had access to and have reviewed the business records, including electronic and computer generated records, memorandums, reports, public records, data compilations, and copies of records made under conditions that create no suspicion about the authenticity of the business records related to the administration and servicing of the Obligor’s account made the subject of this proceeding. The records related to Obligor’s account were made in the regular course of business of administering Obligor’s loan agreement or contract by an employee, agent, or representative servicing Obligor’s account who had knowledge of the act, event, condition or opinion, recorded so as to make the record or transmit information to be included in such records, and the record was made at or near the time or reasonably soon thereafter. The business records related to Obligor’s account are the kinds of records that are normally made and kept in the regular course of administering and servicing loan agreements or contracts like that of Obligor that require the collection of money, keeping accurate records as to debits, credits, and account balances, preserving and protecting the collateral, and enforcement of the underlying debt if there is a default

or breach of the Obligor's obligations. The servicing records of Obligor's account that I reviewed on Petitioner's behalf are relied upon for accuracy by all persons charged with administering, servicing, and enforcing Obligor's account obligations and there is no indication that the records pertaining to the Obligor's account are untrustworthy.

5. Based on my review of the servicing records of Obligor's account, the documents attached to Petitioner's application are the originals or exact duplicates of the original records contained in the servicing file related to the Obligor's account.
6. According to my review of the servicing records of Obligor's account, as of the date stated in the application: (a) there has been a default or breach of Obligor's obligation under the loan agreement or contract supporting the lien sought to be foreclosed; (b) the default or breach has not been cured; (c) the Petitioner has the authority to administer the enforcement of Obligor's account obligations; (d) the number of _____ [*bi-monthly, monthly, quarterly, semi-annual, annual, or other period*] scheduled payments of Obligor's account that have not been paid are _____ [*number of payments*]; (e) the amount to cure the default is at least _____; (f) the payoff amount, if applicable, is at least _____; (g) as indicated by the documents attached to the application, each person named as a Respondent was given the requisite notice or notices required by applicable foreclosure law and the loan agreement or contract sought to be enforced; (h) the status of Obligor's account as stated is just, true, due, and owing; and (i) all just and lawful offsets, payments and credits have been applied.
7. [*If the lien sought to be foreclosed is a tax lien.*] The lien sought to be foreclosed is a transferred tax lien or property tax loan and _____ [*name and current address of transferee*] is the current transferee of Obligor's loan agreement. All conditions precedent required by Sections 32.06 and 32.065 of the Tax Code for initiating a Texas Rule of Civil Procedure 736 proceeding have been accomplished.

8. I sign this affidavit based on the personal knowledge I obtained from reviewing the servicing records under my custody and control related to Obligor's account and based on my review, the statements made in the application and my affidavit are true and correct as of the date stated.

Signed this _____ day of _____, 20__

[printed name and title of affiant]

[signature of affiant]

VERIFICATION

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____
[*name of affiant*] who swore on oath that the following facts are true:

1. My name is _____.
2. I am _____ [*“an employee” or “the duly authorized agent or representative”*] of _____ [*name of Petitioner*], and _____ [*“I have” or “a person under my supervision has”*] care, custody, and control of all the servicing records concerning the account of _____ [*name of Obligor*].
3. I hereby aver that the claim and the affidavit and documents attached to Petitioner’s application are within my personal knowledge is just and true, and is due by Obligor and that all just and lawful offsets, payments, and credits to Obligor’s account have been allowed.
4. The Obligor’s records show that as of the date cited in the application, the amounts due and payable by Obligor and demand for payment was made more than thirty days ago.

[*name of affiant*]

Signed under oath before me on _____, 20____.

[*notary’s seal*]

Notary Public in and for the State of Texas

My commission expires: _____.

Cause No. _____

**In Re: Order for Foreclosure
Concerning _____ [property address]
Under Tex. R. Civ. P. 736**

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**In the _____ [type of court, e.g., district,
county, probate] Court**

Petitioner:

_____ **County, Texas**

Respondent(s):

_____ [court designation]

**Declaration of _____ in Support of Petitioner’s Application for an Expedited Rule
736 Order**

I, _____ [name], declare:

1. My name is _____ [first, middle, and last name]. I am an adult and of sound mind.
2. I am _____ [job title or position] of _____ [name of declarant’s employer], whose address is _____ [street address, city, state, and zip code]. _____ [name of declarant’s employer] is the _____ [state connection or role of employer with respect to the servicing or foreclosure of Respondent’s account, e.g., mortgagee, mortgage servicer, attorney of record] of the account of _____ [name of the person(s) obligated to pay the underlying obligation] (“Obligor”) who is the person obligated for the underlying debt or obligation supporting the lien sought to be foreclosed.

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 the application and documents attached. I am the authorized agent or representative of _____ [*name of petitioner*] (“Petitioner”) 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 Petitioner and the servicing industry in general, my job responsibilities, and my review of the records related to Obligor’s account in my custody and control.
4. In performing my duties and responsibilities for Petitioner, I have had access to and have reviewed the business records, including electronic and computer generated records, memorandums, reports, public records, data compilations, and copies of records made under conditions that create no suspicion about the authenticity of the business records related to the administration and servicing of the Obligor’s account made the subject of this proceeding. The records related to Obligor’s account were made in the regular course of business of administering Obligor’s loan agreement or contract by an employee, agent, or representative servicing Obligor’s account who had knowledge of the act, event, condition or opinion, recorded so as to make the record or transmit information to be included in such records, and the record was made at or near the time or reasonably soon thereafter. The business records related to Obligor’s account are the kinds of records that are normally made and kept in the regular course of administering and servicing loan agreements or contracts like that of Obligor that require the collection of money, keeping accurate records as to debits, credits, and account balances, preserving and protecting the collateral, and enforcement of the underlying debt if there is a default or breach of the Obligor’s obligations. The servicing records of Obligor’s account that I reviewed on Petitioner’s behalf are relied upon for accuracy by all persons charged with

administering, servicing, and enforcing Obligor's account obligations and there is no indication that the records pertaining to the Obligor's account are untrustworthy.

5. Based on my review of the servicing records of Obligor's account, the documents attached to Petitioner's application are the originals or exact duplicates of the original records contained in the servicing file related to the Obligor's account.
6. According to my review of the servicing records of Obligor's account, as of the date stated in the application: (a) there has been a default or breach of Obligor's obligation under the loan agreement or contract supporting the lien sought to be foreclosed; (b) the default or breach has not been cured; (c) the Petitioner has the authority to administer the enforcement of Obligor's account obligations; (d) the number of _____ [*bi-monthly, monthly, quarterly, semi-annual, annual, or other period*] scheduled payments of Obligor's account that have not been paid are _____ [*number of payments*]; (e) the amount to cure the default is at least _____; (f) the payoff amount, if applicable, is at least _____; (g) as indicated by the documents attached to the application, each person named as a Respondent was given the requisite notice or notices required by applicable foreclosure law and the loan agreement or contract sought to be enforced; (h) the status of Obligor's account as stated is just, true, due, and owing; and (i) all just and lawful offsets, payments and credits have been applied.
7. [*If the lien sought to be foreclosed is a tax lien.*] The lien sought to be foreclosed is a transferred tax lien or property tax loan and _____ [*name and current address of transferee*] is the current transferee of Obligor's loan agreement. All conditions precedent required by Sections 32.06 and 32.065 of the Tax Code for initiating a Texas Rule of Civil Procedure 736 proceeding have been accomplished.
8. I sign this declaration based on the personal knowledge I obtained from reviewing the servicing records under my custody and control related to Obligor's account and based on

my review, the statements made in the application and my declaration are true and correct as of the date stated.

JURAT

My name is _____ [*first, middle, and last*], my date of birth is _____, and my address 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*].

[*signature of declarant*]

**CITATION ISSUED PURSUANT TO
TEXAS RULE OF CIVIL PROCEDURE 736.3**

The State of Texas

To: _____ [name], _____, Respondent, at _____ [state
the last known address of the respondent.]

To: Occupant of _____ [state the mailing address of the property
to be foreclosed].

You are commanded to appear by filing a written answer to Petitioner's Application for Expedited Rule 736 Order on or before **the first Monday following the expiration of 38 days from** _____, the date that this citation was placed in the custody of the U.S. Postal Service in accordance with the clerk's standard mailing procedures. Your response must be filed in the _____ [court designation], in _____ [city], in _____ County, Texas. The court is located at _____ [street address of court].

Petitioner in this suit is _____ [name], having filed in this Court an Application for Expedited Rule 736 order on _____ [date of filing], against _____ [name of each respondent]. The case is styled _____ v. _____ and has been assigned cause number _____. A copy of the application is attached to this citation. Petitioner is being represented by _____, whose offices are located at _____ [address of Petitioner or Petitioner's representative].

Notice to Respondent

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued the citation by **the first Monday following the expiration of 38 days from** _____, a default judgment may be taken against you.

Notice to Occupant

You are not required to file a response unless you are also named as a respondent in the attached application.

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 a respondent did not sign a loan agreement document, if applicable, that is specifically identified by the respondent;
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

On _____ [date], at _____ [time], I placed a separate copy of this citation and the attached application, addressed to each respondent and occupant listed above, in the custody of the U.S. Postal Service. Each copy of the citation and application was mailed by first class mail and by certified mail.

[signature of clerk or deputy clerk]

[printed name of clerk]

[seal of clerk]

Cause No. _____

**In Re: Order for Foreclosure
Concerning _____ [property address]
Under Tex. R. Civ. P. 736**

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**In the _____ [type of court, e.g., district,
county, probate] Court**

_____ **County, Texas**

_____ [court designation]

Petitioner:

Respondent(s):

U.S. Servicemembers Civil Relief Act Affidavit

State of Texas

County of _____

Before me, the undersigned notary, on this day personally appeared _____ [name of affiant], and stated under oath:

- 1. My name is _____ [first, middle, and last name]. I am an adult and of sound mind.
- 2. I am _____ [job title or position] of _____ [name of the affiant’s employer]. I have personal knowledge of the facts set forth in this affidavit, which are true and correct.
- 3. [Choose a or b]

- a. The respondent _____ [*is or is not*] in military service. The facts supporting this statement are as follows: _____.
 - b. I am unable to determine if the respondent is in military service.
4. [*If applicable under 50 U.S.C. App. § 533*] The respondent's period of military service ended more than ____ months before this proceeding was filed.

[*signature of affiant*]

Sworn to and subscribed before me by _____ [*name of affiant*] on _____, 20____.

Notary Public in and for the State of Texas

My commission expires: _____

JURAT

My name is _____ [*first, middle, and last*], my date of birth is _____, and my address 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*].

[*signature of declarant*]

[*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 the basis of the foreclosure are _____.
6. Based on the affidavit 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 Civil Procedure 736.7 and 736.8. Petitioner may foreclose on the lien 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, new trial, bill of review, or 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.

SIGNED this ____ day of _____, 20__.

JUDGE PRESIDING