

FILED

CAUSE NO. C12-21816C ✓

2013 MAR 12 PM 4:41

IN RE: ORDER FOR FORECLOSURE
CONCERNING

North Shore Estates, Lot 20
Kerens, TX 75144

UNDER TEX. R. CIV. PROC. 736

AND JAMES E. NORWOOD

§
§
§
§
§
§
§
§
§

IN THE COUNTY COURT AT LAW

NAVARRO COUNTY, TEXAS

NOTICE OF FORECLOSURE
NAVARRO COUNTY, TX
[Signature]

ORDER FOR FORECLOSURE

On December 17, 2012, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **North Shore Estates Homeowners Association, Inc.** (the "Association"), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association's assessment lien against North Shore Estates, Lot 20, Kerens, Texas 75144, and further described as follows:

All that certain lot, tract or parcel of land being Lot Twenty (20) of NORTH SHORE ESTATES in Navarro County, Texas, according to the plat thereof filed in Volume 6, Page 381, Plat Records of Navarro County, Texas (North Shore Estates, Lot 20) (hereinafter the "Property").

The Court finds that the Association's Application for Foreclosure complies with Rule 736.1 of the Tex. R. Civ. Proc. and was properly served in accordance with Rule 736.4 of the Tex. R. Civ. Proc. The Court further finds that Respondent have not previously filed a response, and the return of service has been on file with the clerk of the Court for at least 10 days before the date of this Order. The Court finds that the name and last known address of each respondent is as follows:

James E. Norwood
4100 W Eldorado Pkwy
Suite 100 #354
McKinney, Texas 75070

Pursuant to Rule 736.7 of the Tex. R. Civ. Proc., all facts alleged in the Application for Foreclosure and supported by the affidavit of material facts constitute prima facie evidence of the truth of the matters alleged. The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Covenants & Deed Restrictions for North Shore Estates (the "Declaration"), as corrected and supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Restrictions, Section 24 of the Declaration.
5. Restrictions, Section 28 of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Restrictions, Section 29 of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
7. During the period of Respondent's ownership, Respondent has been assessed maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.

8. Restrictions, Section 29 of the Declaration and Texas Property Code 5.006 provide for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
9. As of November 30, 2012, Respondent is 47 months in default in his obligations to the Association for a total of Two Thousand Six Hundred and Fifty One Dollars and Ninety Six Cents (\$2,651.96).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated September 5, 2012.
11. Notice of Liens were filed on or about February 26, 2009, at Document Number: 00001554, February 1, 2011, at Document Number: 00000774 and at Document Number: 00000773, and March 1, 2012, at Document Number: 00001487 in the office of the County Clerk of NAVARRO, Texas, and Respondent was notified of same by letter dated October 18, 2012.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the October 18, 2012, letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

THE COURT THEREFORE GRANTS the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

IT IS THEREFORE ORDERED that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

IT IS FURTHER ORDERED that the Association shall send Respondent a copy of this Order with the notice of foreclosure sale sent to Respondent: and

IT IS FURTHER ORDERED that the Association may communicate with Respondent and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON March 12, 2013



JUDGE PRESIDING