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 10, 2014

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	§	**In the** _____
for Foreclosure	§	**[*type of court, e.g., district, county, or probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	_____ **County, Texas**
	§	
Respondent(s):	§	
_____	§	____ **[*court designation*]**
	§	

Application for an Expedited Order Under Rule 736 on a Home Equity, Reverse Mortgage, or Home Equity Line of Credit Loan

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 Respondent obligated to pay the underlying debt or obligation evi-

denced 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 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 lien secures a reverse mortgage or the default is nonmonetary.*] The facts creating the default and Petitioner's authority to enforce the lien are _____.

(iii) The total amount to pay off the _____ [*loan agreement, contract, or lien*] is ____.

F. Notice to cure the default has been sent by certified mail to each Respondent who is obligated 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 foreclosure proceeding by Texas law or 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 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. **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*]

Cause No.: _____

In Re: Order	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**
	§	

Application for an Expedited Order Under Rule 736 on a Tax Lien Transfer or Property Tax Loan Created After September 1, 2007 and 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 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 lien*] 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 lien 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.
   B. 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 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.
   D. 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, 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.: _____

In Re: Order	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**
	§	

Application for an Expedited Order Under Rule 736 on 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 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 dedicatory instrument creating the lien and the power of sale 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 Respondent obligated to pay the underlying debt or obligation evidenced 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 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 each Respondent obligated to pay the lien by 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*]

Cause No.: _____

In Re: Order	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**

Affidavit in Support of Petitioner's Application for an Expedited Order Under Rule 736

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*]. My affidavit concerns the account of _____ [*name of each person who is obligated for the underlying debt or lien sought to be foreclosed*] ("Obligor"). _____. [*Explain the relationship between the affiant or the affiant's employer and Petitioner (e.g., affiant's employer is the agent for loan service 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., mortgagee 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, 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.
7. Based on the servicing records for Obligor's account, _____. [*State all facts demonstrating the basis for foreclosure, including, if applicable, the number of unpaid scheduled payments, the amounts required to cure the default and payoff the loan, and the credits and offsets that have been applied to Obligor's account. Describe proof (e.g., USPS Tracking report, return receipt, or other proof) that Obligor was given notice of the default by certified mail.*]
8. I sign this affidavit based on the personal knowledge that I have obtained by reviewing the servicing records for Obligor's account. 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*]

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	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**
	§	

Declaration in Support of Petitioner's Application for an Expedited Order Under Rule 736

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*]. My declaration concerns the account of _____ [*name of each person who is obligated for the underlying debt or lien sought to be foreclosed*] ("Obligor"). _____. [*Explain the relationship between the declarant or the declarant's employer and Petitioner (e.g., declarant's employer is the agent for loan service administration for Petitioner) and the connection or role of the declarant or the declarant's employer with respect to the servicing or foreclosure of Obligor's account (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 _____ [*declar-*

ant'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;
   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, 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.
7. Based on the servicing records for Obligor's account, _____. [*State all facts demonstrating the basis for foreclosure, including, if applicable, the number of unpaid scheduled payments, the amounts required to cure the default and payoff the loan, and the credits and offsets that have been applied to Obligor's account. Describe proof (e.g., USPS Tracking report, return receipt, or other proof) that Obligor was given notice of the default by certified mail.*]
8. I sign this declaration based on the personal knowledge that I have obtained by reviewing the servicing records for Obligor's account. 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

Court: _____

Cause No. _____

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

❑ 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*]. **NOTICE: You are not required to file a response unless you are also named as a Respondent in the attached application.**

Petitioner in this suit is _____ [*name*]. On _____ [*date of filing*], Petitioner filed in this Court an Application for an Expedited Order Under Rule 736. The Respondents named in the application are _____. A copy of the application is attached to this citation. Petitioner is being represented by _____, whose address is _____ [*address of Petitioner or Petitioner's representative*].

Notice to Respondent

You have been sued. You may employ an attorney.

You must file a response with the clerk who issued the citation by **the first Monday following the expiration of 38 days from _____** [*the date that the citation was placed in the mail*]. Do not ignore these papers. If you do not file a response by the due date, a default judgment may be taken against you.

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.

Return of Service

On _____ [*date*], at _____ [*time*], I placed a copy of this citation and the attached application, addressed to the Respondent or Occupant listed next to the box checked above, in the custody of the U.S. Postal Service in a properly addressed, postage prepaid envelope in accordance with the clerk's standard mailing procedures. The citation and application were sent by first class mail and by certified mail. Under Rule 736.3, Texas Rule of Civil Procedure, this return need not contain a return receipt.

_____
[*signature of clerk or deputy clerk*]

_____
[*printed name of clerk*]

_____
[*seal of clerk*]

CITATION ISSUED PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 106

The State of Texas

Court: _____

Cause No. _____

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

❑ 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*]. **NOTICE: You are not required to file a response unless you are also named as a Respondent in the attached application.**

Petitioner in this suit is _____ [*name*]. On _____ [*date of filing*], Petitioner filed in this Court an Application for an Expedited Order Under Rule 736. The Respondents named in the application are _____. A copy of the application is attached to this citation. Petitioner is being represented by _____, whose address is _____ [*address of Petitioner or Petitioner's representative*].

Notice to Respondent

You have been sued. You may employ an attorney. You must file a response with the clerk who issued the citation by **the first Monday following the expiration of 38 days from _____** [*the date that the citation was placed in the mail*]. Do not ignore these papers. If you do not file a response by the due date, a default judgment may be taken against you.

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 appli-

cable (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*]

_____
[*seal of clerk*]

Cause No.: _____

In Re: Order	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**
	§	

Military Status 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. Respondent's name is _____.
3. I am _____ [*job title or position*] of _____ [*name of the affiant's employer*]. _____. [*Explain relationship between affiant's employer and Petitioner.*] I have personal knowledge of the facts set forth in this affidavit. These facts are true and correct.
4. [*Choose 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.
5. [*If Respondent was previously in the military.*] Respondent's period of military service ended more than ____ months before this proceeding was filed.

_____
[*signature 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	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**
	§	

Military Status Declaration

I, _____ [*name*], declare:

1. My name is _____ [*first, middle, and last name*]. I am an adult and of sound mind.
2. Respondent's name is _____.
3. I am _____ [*job title or position*] of _____ [*name of the declarant's employer*]. _____. [*Explain relationship between declarant's employer and Petitioner.*] I have personal knowledge of the facts set forth in this affidavit. These facts are true and correct.
4. [*Choose one*]
   e. 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.*]
   f. 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.*]
   g. I am unable to determine if Respondent is in military service.
   h. Respondent is in the military now.
5. [*If Respondent was previously in the military.*] Respondent's period of military service ended more than ____ months before this proceeding was filed.

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*]

Cause No.: _____

In Re: Order	§	**In the _____**
for Foreclosure	§	**[*type of court, e.g., district, county, probate*]**
Concerning _____	§	**Court**
[*property address*]	§	
Under Tex. R. Civ. P. 736	§	
	§	
	§	
Petitioner:	§	
_____	§	**_____ County, Texas**
	§	
Respondent(s):	§	
_____	§	**____ [*court designation*]**
	§	

Default Order

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is _____. Each Respondent was properly served with the citation, but none filed a response within the time

required by law. The return of service for each Respondent has been on file with the court for at least ten days.

3. The property that is the subject of this foreclosure proceeding is commonly known as _____ [*street address of the property*] with the following legal description:

   _____

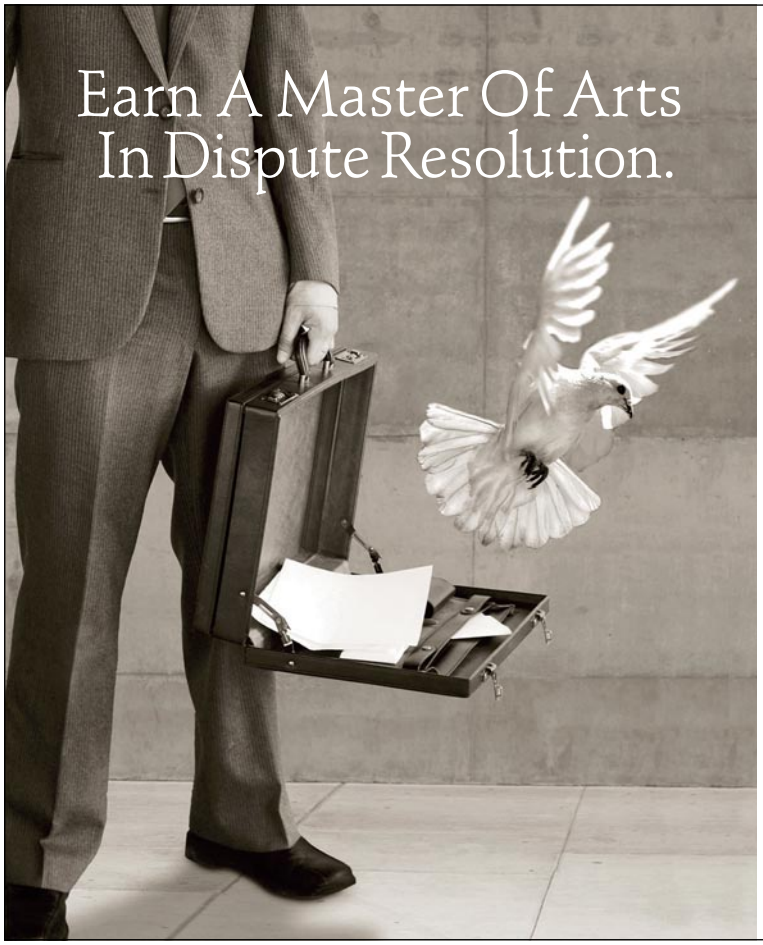
   [*legal description of the property*]

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 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.

SIGNED this _____ day of _____, 20__.

_____

JUDGE PRESIDING



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