

11-7 F1.

FILED FOR RECORD
at 3:25 o'clock P M

NOTICE OF ASSESSMENT LIEN SALE

OCT 17 2023

STATE OF TEXAS §
 §
COUNTY OF HUNT §

BECKY LANDRUM
County Clerk, Hunt County, Tex.
by *Tracy*

WHEREAS, on or about March 31, 2022, a Notice of Lien was filed in the Deed Records of Hunt County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by Reynaldo Herbert, the present owner of said real property, to Caddo Downs Residential Community, Inc. (the "Association"); and

WHEREAS, the said Reynaldo Herbert has continued to default in the payment of her indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owners to the Association;

NOW, THEREFORE, notice is hereby given that on Tuesday, November 7, 2023, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate the common area at the base of the Central stairway on the 2nd floor inside the Courthouse, or the base of the North steps outside of the Courthouse; in the event the Courthouse is closed on the first Tuesday of the month, Hunt County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 1:00 o'clock p.m., and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

Lot 3, Block A, of Caddo Downs, Phase 1, an Addition to the City of Caddo Mills, Hunt County, Texas, according to the Map or Plat thereof recorded in Cabinet I, Slides 145-149 and Document No. 2020-00652, of the Plat Records of Hunt County, Texas (105 Admiral Lane)

WITNESS my hand this 17 day of October, 2023

CADDO DOWNS RESIDENTIAL COMMUNITY, INC.

By: *Jason R. Reed*
Jason R. Reed, Substitute Trustee
Riddle & Williams, P.C.
3811 Turtle Creek Blvd, Suite 500
Dallas, Texas 75219

The within notice was posted by me on the 17 day of October, 2023, at the Hunt County Courthouse in Hunt, Texas.

Gene Hardy

CAUSE NO. 91788

<p>IN RE: ORDER FOR FORECLOSURE CONCERNING</p> <p>105 Admiral Lane Caddo Mills, TX 75135</p> <p>UNDER TEX. R. CIV. PROC. 736</p> <p>AND REYNALDO HERBERT</p> <p style="text-align: center;"><u>ORDER FOR FORECLOSURE</u></p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE DISTRICT COURT OF</p> <p>HUNT COUNTY, TEXAS</p> <p>196TH JUDICIAL DISTRICT</p>
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On **November 8, 2022**, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **Caddo Downs Residential Community, Inc.** (the “Association”), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association’s assessment lien against 105 Admiral Lane, Caddo Mills, Texas 75135, and further described as follows:

Lot 3, Block A, of Caddo Downs, Phase 1, an Addition to the City of Caddo Mills, Hunt County, Texas, according to the Map or Plat thereof recorded in Cabinet I, Slides 145-149 and Document No. 2020-00652, of the Plat Records of Hunt County, Texas (105 Admiral Lane) (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 has 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:

Reynaldo Herbert
105 Admiral Lane
Caddo Mills, Texas 75135

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 Declaration (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 Article 6 of the Declaration.
5. Article 6, Section 6.1.2 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. Article 6, Section 6.10 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. Article 6, Section 6.10 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 October 17, 2022, Respondent is 22 months in default in his/her obligations to the Association for a total of Two Thousand Three Hundred and Forty Three Dollars and Seventy Four Cents (\$2,343.74).
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 22, 2021.
11. A Notice of Lien was filed on or about March 31, 2022 at Instrument No. 2022-07414 in the office of the County Clerk of HUNT, Texas, and Respondent was notified of same by letter dated March 30, 2022.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the March 30, 2022 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 28, 2023



JUDGE PRESIDING