

CAUSE NO. 91805

IN RE: ORDER FOR FORECLOSURE § IN THE DISTRICT COURT OF
CONCERNING §
 §
104 Gallant Fox Lane § HUNT COUNTY, TEXAS
Caddo Mills, TX 75135 §
 §
UNDER TEX. R. CIV. PROC. 736 § 354TH JUDICIAL DISTRICT
 §
AND KWASI BOAKYE D. OBENG AND
JOSEPHINE MAUD QUARTSON
ORDER FOR FORECLOSURE

On November 16, 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 104 Gallant Fox Lane, Caddo Mills, Texas 75135, and further described as follows:

Lot 3, Block G, 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, Slide 145-149 and Document No. 2020-00652, of the Plat Records of Hunt County, Texas (104 Gallant Fox 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 Respondents 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:

Kwasi Boakye D. Obeng
104 Gallant Fox Lane
Caddo Mills, Texas 75135

Josephine Maud Quartson
104 Gallant Fox 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 of Covenants Conditions and Restrictions for Caddo Mills (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 Respondents' acquisition of the Property, Respondents 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 Respondents' ownership, Respondents have been assessed

maintenance fees in a non-discriminatory manner based on Respondents' 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 19, 2022, Respondents are 9 months in default in his/her obligations to the Association for a total of One Thousand Five Hundred and Seventy Five Dollars and Ninety Four Cents (\$1,575.94).
10. Respondents have been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated August 3, 2022.
11. A Notice of Lien was filed on or about September 14, 2022 at Instrument No. 2022-21561 in the office of the County Clerk of HUNT, Texas, and Respondents were notified of same by letter dated September 13, 2022.
12. The Association afforded Respondents thirty (30) days to cure the default pursuant to the September 13, 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.

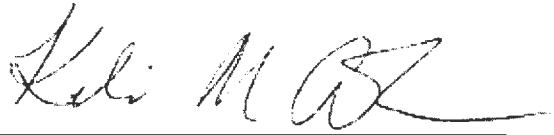
IT IS THEREFORE ORDERED that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

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

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

2/6/2023

SIGNED ON _____.



JUDGE PRESIDING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jason Reed on behalf of Jason Reed
Bar No. 24043887
jreed@riddleandwilliams.com
Envelope ID: 72425817
Status as of 2/8/2023 8:38 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason RReed		jreed@riddleandwilliams.com	2/3/2023 2:50:07 PM	SENT