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FILED FOR RECORD
at 2:40 o'clock PM

MAR 12 2024

NOTICE OF ASSESSMENT LIEN SALE

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

STATE OF TEXAS §
 §
COUNTY OF HUNT §

WHEREAS, on or about February 24, 2023, 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 Maranda Angelique Johnson, the present owner of said real property, to Woodland Creek of Royse City Homeowners Association, Inc. (the "Association"); and

WHEREAS, the said Maranda Angelique Johnson 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, April 2, 2024, 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 16, Block S, of Woodland Creek, Phase 3, an addition to the City of Royse City, Hunt County, Texas, according to the Map or Plat thereof recorded in Volume I, Page 197, Map/Plat Records, Hunt County, Texas (712 Newberry Lane)

WITNESS my hand this 12th day of March, 2024

WOODLAND CREEK OF ROYSE CITY
HOMEOWNERS ASSOCIATION, INC.

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

The within notice was posted by me on the 12 day of March, 2024, at the Hunt County Courthouse in Hunt, Texas.

Orin Harris

CAUSE NO. 92386

IN RE: ORDER FOR FORECLOSURE § IN THE DISTRICT COURT OF
CONCERNING §
712 Newberry Lane §
Royse City, TX 75189 § HUNT COUNTY, TEXAS
UNDER TEX. R. CIV. PROC. 736 §
AND MARANDA ANGELIQUE §
JOHNSON § 354TH JUDICIAL DISTRICT

ORDER FOR FORECLOSURE

On **May 16, 2023**, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **Woodland Creek of Royse City 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 712 Newberry Lane, Royse City, Texas 75189, and further described as follows:

Lot 16, Block S, of Woodland Creek, Phase 3, an addition to the City of Royse City, Hunt County, Texas, according to the Map or Plat thereof recorded in Volume I, Page 197, Map/Plat Records, Hunt County, Texas (712 Newberry 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:

Maranda Angelique Johnson
712 Newberry Lane
Royse City, Texas 75189

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 Woodland Creek (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 6.5 (b) 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 6.5 (b) 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 6.5 (b) 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 March 31, 2023, Respondent is 9 months in default in his/her obligations to the Association for a total of One Thousand Five Hundred and Five Dollars and Forty Six Cents (\$1,505.46).
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 January 10, 2023.
11. A Notice of Lien was filed on or about February 24, 2023 at Instrument No. 2023-03437 in the office of the County Clerk of HUNT, Texas, and Respondent was notified of same by letter dated February 23, 2023.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the February 23, 2023 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 8/10/2023



JUDGE PRESIDING