

**Cause No.:** \_\_\_\_\_

**In Re: Order for Foreclosure  
Concerning \_\_\_\_\_  
[property address] Under Tex. R. Civ. P.  
736**

**In the \_\_\_\_\_ [type of court, e.g.,  
district, county, or probate] Court**

**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 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. 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 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 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 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.

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*[Petitioner's signature block]*