

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*]

§
§
§
§
§
§
§
§
§
§
§
§
§

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 _____ [*declarant'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*]