

EXPEDITED FORECLOSURE PROCEEDING DEFAULT CHECKLIST (RULE 736)

APPLICATION:

- Application is Verified.
- Certificate of Service of Application & Mailing Date: Attorney certifies that a copy of the Application and Notice has been mailed by Certified & First Class mail to each party who according to the record of the holder of the debt is obligated to pay the debt. (736(2)(a) & (b).
Must specify date mailed _____
- Order Ready to be Signed _____ *(count 38 days from the date mailed then go to the next Monday)
- No Answer or Response on file
- Soldiers & Sailors Affidavit on file
- All or part of real property encumbered located in Williamson County?
- Styled: In Re: Order of Foreclosure Concerning (name of person to receive notice of foreclosure) and (property mailing address)?
- Identifies by name the party who, according to records of debt holder, is obligated to pay the debt secured by the property?
- Identifies property by mailing address and legal description
- Identifies security instrument by reference to Vol. & Page, Clerk's file # or other identifying recording information found in Williamson County property records or attaches a legible copy of the security instrument with **proof of filing?**
Vol# _____ and Page # _____ OR Security Instrument with Receipt Attached
_____ (receipt may have a bar code on it or verify that the receipt is dated after the security instrument was executed)
- Alleges that a debt exists?
- Alleges that the debt is secured by a lien created under Tex. Const. Art. XVI, §50(a)(6) [§50(a)(7) for a reverse mortgage] that encumbers the property?
- Alleges that a default under the security agreement exists?
- Alleges that applicant has given the requisite notices to cure the default and accelerate the maturity of the debt under the security instrument, Tex. Prop. Code §51.002, §50(k)(10) for a reverse mortgage] and applicable law?
- Describes facts which establish the existence of a default under the security instrument & Tex. Prop. Code §51.002
- State that a court order required by Tex. Const. art. XVI, §50(a)(6)(D) [or §50(k)(11) for a reverse mortgage] is sought to sell the property under the security instrument and Tex. Prop. Code §51.002.

ORDER:

- Recites the same mailing address and legal description of the property that appears in the application?
- Directs that foreclosure proceed under the security instrument and Tex. Prop. Code §51.002?
- Provides that a copy of the order shall be sent to respondent with the notice of sale?
- Provides that applicant may communicate with the respondent and all 3rd parties reasonably necessary to conduct the foreclosure sale?
- (If respondent is represented by counsel) directs that notice of the foreclosure sale date shall also be mailed to counsel by certified mail?
- I certify that I have personally reviewed the Court's file and the information above is correct.

Name

Bar Number

*Copy of notice & certificate of service must be on file for 10 days before default can be taken.

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