

NOTICE OF ASSESSMENT LIEN SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are 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 the sender of this notice immediately.

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 7th day of October, 2015, a Notice of Lien was filed of record at Document Number 201500268907, in the Official Public Records of Dallas County, Texas, covering the real property herein described, concerning default in payment of the indebtedness owing by **JANET L. MAINER**, the present owner of said real property, to Addison Place Homeowners' Association, Inc. (the "Association"); and

WHEREAS, on June 2, 2016, the Association obtained an Agreed Order to Proceed With Notice of Foreclosure Sale and Foreclosure Sale in the 193rd Judicial District Court of Dallas County, Texas, in Cause No. DC-16-02060. A true and correct copy of said Agreed Order is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the said **JANET L. MAINER**, 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 owner to the Association.

NOW, THEREFORE, notice is hereby given that on Tuesday, the 5th day of June, 2018, between 10:00 o'clock a.m. and 4:00 o'clock p.m., the Association will sell said real estate in the area outside on the North side of the George Allen Courts Building facing Commerce Street below the overhang, 600 Commerce Street, Dallas, Dallas 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 10:00 o'clock a.m., and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

**SEE EXHIBIT "B" ATTACHED HERETO AND
MADE A PART HEREOF FOR ALL PURPOSES.**

Witness my hand this 11th day of May, 2018.

FILED

2018 MAY 11 AM 11:10

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

BY _____ DEPUTY

**ADDISON PLACE HOMEOWNERS'
ASSOCIATION, INC.**

By: _____

Robert M. Blend
Duly Authorized Agent
14131 Midway Road, Suite 1240
Addison, Texas 75001

This notice was posted by me on the 11th day of May, 2018, on the posting board at the George Allen Courts Building, 600 Commerce Street, in Dallas, Texas.

SIGNATURE

Print Name

3dl
000946

CAUSE NO. DC-16-02060

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING	§	
	§	
17019 UPPER BAY ROAD	§	
ADDISON, TEXAS 75001	§	DALLAS COUNTY, T E X A S
	§	
UNDER TEX. R. CIV. PROC. 736	§	
	§	
AND JANET L. MAINER	§	193 rd JUDICIAL DISTRICT

**AGREED ORDER TO PROCEED WITH
NOTICE OF FORECLOSURE SALE AND FORECLOSURE SALE**

On this day, the 2nd of June, 2016, came on to be considered the Application of Addison Place Homeowners' Association, Inc., (the "Association") for Expedited Foreclosure Proceeding seeking an order against Janet L. Mainer, (the "Respondent"), pursuant to Rule 736 of the Texas Rules of Civil Procedure to foreclose the Association's assessment lien against 17019 Upper Bay Road, Addison, Texas 75001, which is more particularly described as follows:

LOT 18, BLOCK H OF ADDISON PLACE, A REVISED PLAT OF THE ADDITION ORIGINALLY NAMED BENT TREE SOUTH, AN ADDITION TO THE CITY OF ADDISON, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 82038, PAGE 1386, MAP RECORDS, DALLAS COUNTY, TEXAS, and having the street address of 17019 Upper Bay Road, Addison, Texas.

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 the Respondent is as follows:

Ms. Janet L. Mainer
17019 Upper Bay Road
Addison, Texas 75001

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 Restated Declaration of Covenants, Conditions and Restrictions of Addison Place filed of record at Instrument No. 199001163467, Volume 90116, Page 1911, *et seq.*, and refiled at Instrument No. 199101067391, Volume 91106, Page 0370, *et seq.*, and Volume 97081, Page 00118, of the Deed Records, Dallas County, Texas (the "Declaration"), as such may be corrected and/or 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 VIII of the Declaration.
5. 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.
6. As of February 15, 2016, Respondent was at least 19 months in default in her obligations to the Association for a total of One Thousand Eight Hundred Nineteen and 18/100 Dollars (\$1,819.18).
7. Article VIII of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges to the Association. Article VIII of the Declaration provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
8. The foreclosure of such lien is subject to the provisions of Tex. R. Civ. Proc. 735.1(c) and Texas Property Code 209.0092.
9. Article VIII of the Declaration, and Texas Property Code 5.006, provide for the recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
10. The Association afforded Respondent thirty (30) days to cure the default pursuant to a letter dated June 15, 2015, and such opportunity to cure the default has expired.

11. Respondent was notified of the amounts due and unpaid by notice letter dated July 22, 2015.
12. A Notice of Lien was filed in the office of the County Clerk of Dallas County Texas at Instrument No. 201500268907, and Respondent was notified of such filing by letter dated October 2, 2015.
13. Prior to filing the Application, the Association performed all action 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 Declaration and Section 51.002 of the Texas Property Code; 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 this 7th day of June, 2016.



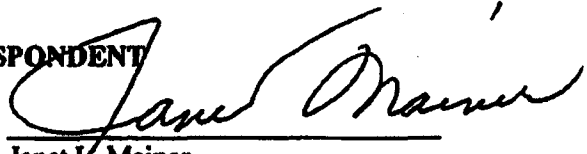
JUDGE PRESIDING

Approved:

ASSOCIATION

/s/ Robert M. Blend
Robert M. Blend
Attorney for Petitioner

RESPONDENT

By: 

Janet L. Mainer
17019 Upper Bay Road
Addison, Texas 75001

EXHIBIT "B"

LOT 18, BLOCK H OF ADDISON PLACE, A REVISED PLAT OF THE ADDITION ORIGINALLY NAMED BENT TREE SOUTH, AN ADDITION TO THE CITY OF ADDISON, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 82038, PAGE 1386, MAP RECORDS, DALLAS COUNTY, TEXAS, and having the street address of 17019 Upper Bay Road, Addison, Texas