

EXAMPLE 1: Form of Notice.

Cause No. _____

In re: Order for Foreclosure
Concerning

_____ *(1) _____

and

_____ *(2) _____

In the District Court

Of _____ County

_____ Judicial District

NOTICE TO _____ *(3) _____

An application has been filed by _____, as Applicant, on _____ *(4) _____, in a proceeding described as:

“In re: Order for Foreclosure Concerning _____ *(1) _____ and _____ *(2) _____”

The attached application alleges that you, the Respondent, are in default under a security instrument creating a lien on your homestead under TEX. CONST. art. XVI, § 50(a)(6), for a home equity loan, or § 50 (a)(7), for a reverse mortgage. This application is now pending in this court.

Applicant seeks a court order, as required by TEX. CONST. art. XVI, § 50(a)(6)(D) or § 50(k)(11), to allow it to sell at public auction the property described in the attached application under the security instrument and TEX. PROP. CODE § 51.002.

You may employ an attorney. If you or your attorney do not file a written response with the clerk of the court at _____ *(5) _____ on or before 10:00 a.m. on _____ *(6) _____ an order authorizing a foreclosure sale may be signed. If the court grants the application, the foreclosure sale will be conducted under the security instrument and TEX. PROP. CODE § 51.002.

You may file a response setting out as many matters, whether of law or fact, as you consider may be necessary and pertinent to contest the application. If a response is filed, the court will hold a hearing at the request of the applicant or respondent.

In your response to this application, you must provide your mailing address. In addition, you must send a copy of your response to _____ *(7) _____

ISSUED

By

(Applicant or Applicant's Attorney)

.....
CERTIFICATE OF SERVICE

I certify that a true and correct copy of this notice with a copy of the application was sent certified and regular mail to _____ *(3) _____ on the _____ day of _____

(signature)

(Applicant or Applicant's Attorney)

*(1) name of respondent

*(2) mailing address of property

*(3) name and address of respondent

*(7) name and address of applicant or applicant's attorney

*(4) date application filed

*(5) address of clerk of court

*(6) response due date