

NOTICE OF ASSESSMENT LIEN SALE

FILED FOR RECORD
ROCKWALL CO. TEXAS

25 JAN 14 PM 3:29

STATE OF TEXAS

§

COUNTY OF ROCKWALL

§

§

JENNIFER FOGG
ROCKWALL COUNTY CLERK
BY @ DEPUTY

WHEREAS, on or about July 20, 2023, a Notice of Lien was filed in the Deed Records of Rockwall County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by **Javier Gutierrez**, the present owner of said real property, to Parkside Village Residential Community, Inc. (the "Association"); and

WHEREAS, the said Javier Gutierrez 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 owners to the Association;

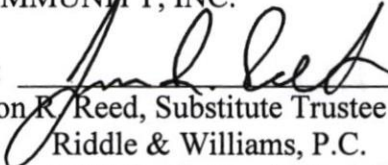
NOW, THEREFORE, notice is hereby given that on Tuesday, **February 4, 2025**, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate in the area immediately outside on the front steps of the Rockwall County Courthouse, located at **1111 Yellow Jacket Lane**, Rockwall, Rockwall County, Texas, Rockwall County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which the said sale will begin will be **1:00 o'clock p.m.**, and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

Lot 18, Block F, PARKSIDE VILLAGE PHASE 1, AN ADDITION TO THE CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 20200000010945 OF THE OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (3336 Flatiron Drive)

WITNESS my hand this 14th day of January, 2025

PARKSIDE VILLAGE RESIDENTIAL
COMMUNITY, INC.

By: 
Jason R. Reed, Substitute Trustee
Riddle & Williams, P.C.
3811 Turtle Creek Blvd, Suite 500
Dallas, Texas 75219

The within notice was posted by me on the ____ day of _____, 2025, at the Rockwall County Courthouse in Rockwall, Texas.

CAUSE NO. 1-24-1718

IN RE: ORDER FOR FORECLOSURE	§	IN THE COUNTY COURT OF
CONCERNING	§	LAW
	§	
3336 Flatiron Drive	§	
Royse City, TX 75189	§	NO.1
	§	
UNDER TEX. R. CIV. PROC. 736	§	
	§	
AND JAVIER GUTIERREZ	§	ROCKWALL COUNTY, TEXAS

ORDER FOR FORECLOSURE

On **October 17, 2024**, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **Parkside Village Residential Community, Inc.** (the "Association"), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association's assessment lien against 3336 Flatiron Drive, Royse City, Texas 75189, and further described as follows:

Lot 18, Block F, PARKSIDE VILLAGE PHASE 1, AN ADDITION TO THE CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 20200000010945 OF THE OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (3336 Flatiron Drive) (hereinafter the "Property").

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 each respondent is as follows:

Javier Gutierrez
3336 Flatiron Drive
Royse City, Texas 75189

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 Declaration of Covenants, Conditions & Restrictions for Parkside Village (the "Declaration"), as corrected and 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 VI of the Declaration.
5. Article VI, Section 6.10 of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Article VI, Section 6.10 of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.

7. 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.
8. Article VI, Section 6.10 of the Declaration and Texas Property Code 5.006 provides for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
9. As of December 23, 2024, Respondent is 22 months in default in his/her obligations to the Association for a total of Two Thousand Nine Hundred and Fifty-Three Dollars and Fifty-Six Cents (\$2,953.56).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated May 30, 2023.
11. A Notice of Lien was filed on or about July 20, 2023 at Instrument No. 20230000011942 in the office of the County Clerk of ROCKWALL, Texas, and Respondent was notified of same by letter dated July 20, 2023.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the July 20, 2023 letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions 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 Association's Declaration and Texas Property Code Section 51.002; 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.

01/02/2025

SIGNED ON _____.


JUDGE PRESIDING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tasha Pearson on behalf of Jason Reed
Bar No. 24043887
tpearson@riddleandwilliams.com
Envelope ID: 95732423
Filing Code Description: Motion (No Fee)
Filing Description: Motion for Default Judgment
Status as of 12/31/2024 9:05 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason RReed		jreed@riddleandwilliams.com	12/30/2024 4:37:32 PM	SENT