

FILED FOR RECORD
ROCKWALL CO, TEXAS

2025 SEP 16 PM 2: 52

NOTICE OF ASSESSMENT LIEN SALE

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

JENNIFER FOGG
ROCKWALL COUNTY CLERK

BY a DEPUTY

WHEREAS, on or about July 20, 2021, 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 Marcus Powell, the present owner of said real property, to Woodcreek Fate Homeowners Association, Inc. (the "Association"); and

WHEREAS, the said **Marcus Powell** 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;

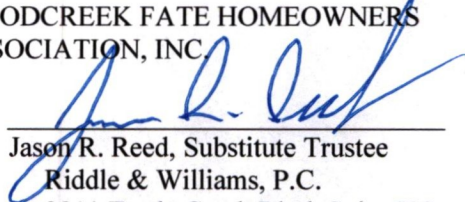
NOW, THEREFORE, notice is hereby given that on Tuesday, **October 7, 2025**, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate in the area immediately outside on the front steps of the Rockwall County Courthouse, located at **1111 Yellow Jacket Lane**, Rockwall, Rockwall County, Texas, 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 **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 6, Block J, of Woodcreek, Phase 2-D2, an Addition to the City of Fate, Rockwall County, Texas, according to the Map or Plat thereof recorded in County Clerk's File No. 20190000002217, of the Official Public Records, Rockwall County, Texas (321 Sweetleaf Drive)

WITNESS my hand this 11th day of September, 2025

WOODCREEK FATE HOMEOWNERS
ASSOCIATION, 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. 1-24-1468

IN RE: ORDER FOR FORECLOSURE
CONCERNING

321 Sweetleaf Drive
Fate, TX 75087

UNDER TEX. R. CIV. PROC. 736

AND MARCUS POWELL

§
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§

IN THE DISTRICT COURT OF

ROCKWALL COUNTY, TEXAS

COUNTY COURT AT LAW NO. 2

ORDER FOR FORECLOSURE

On September 9, 2024, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **Woodcreek Fate Homeowners Association, Inc.** (the "Association"), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association's assessment lien against 321 Sweetleaf Drive, Fate, Texas 75087, and further described as follows:

Lot 6, Block J, of Woodcreek, Phase 2-D2, an Addition to the City of Fate, Rockwall County, Texas, According to the Map or Plat thereof recorded in County Clerk's File No. 20190000002217, of the Official Public Records, Rockwall County, Texas (321 Sweetleaf 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:

Marcus Powell
321 Sweetleaf Drive
Fate, Texas 75087

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 and Restrictions for Woodcreek (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 X of the Declaration.
5. Article X, Section 10.8(a) 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 X, Section 10.8(d) 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 X, Section 10.1(b) of the Declaration and Texas Property Code 5.006 provide for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
9. As of September 4, 2024, Respondent is 48 months in default in his/her obligations to the Association for a total of Eight Thousand Two Hundred and Seventy Dollars and Forty Cents (\$8,270.40).
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 August 21, 2023.
11. A Notice of Lien was filed on or about July 20, 2021 at Instrument No. 20210000019391 in the office of the County Clerk of ROCKWALL, Texas, and Respondent was notified of same by letter dated January 2, 2024.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the January 2, 2024 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(s) a copy of this Order with the notice of foreclosure sale sent to Respondent(s); and

IT IS FURTHER ORDERED that the Association may communicate with Respondent(s) and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON 3/7/2025.

A handwritten signature in dark ink, appearing to be "J. W. Smith", written over a horizontal line.

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.

Lorena Salas on behalf of Jason Reed

Bar No. 24043887

lsalas@riddleandwilliams.com

Envelope ID: 97001777

Filing Code Description: Motion (No Fee)

Filing Description: Motion for Entry of Default Judgement

Status as of 2/11/2025 9:26 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Lindsay LaMothe		llamothe@riddleandwilliams.com	2/5/2025 10:23:10 AM	SENT
Laura Light		llight@riddleandwilliams.com	2/5/2025 10:23:10 AM	SENT