

TEXAS RULES OF CIVIL PROCEDURE

PART VII - RULES RELATING TO SPECIAL PROCEEDINGS

SECTION I. PROCEDURES RELATED TO HOME EQUITY LOAN FORECLOSURE

RULE 735. PROCEDURES

A party seeking to foreclose a lien created under Tex. Const. art. XVI, § 50(a)(6), for a home equity loan, or Tex. Const. art. XVI, § 50(a)(7), for a reverse mortgage, that is to be foreclosed on grounds other than Tex. Const. art. XVI, § 50(k)(6)(A) or (B), may file: (1) a suit seeking judicial foreclosure; (2) a suit or counterclaim seeking a final judgment which includes an order allowing foreclosure under the security instrument and Texas Property Code § 51.002; or (3) an application under Rule 736 for an order allowing foreclosure.

RULE 736. EXPEDITED FORECLOSURE PROCEEDING

(1) **Application.** A party filing an application under Rule 736 seeking a court order allowing the foreclosure of a lien under Tex. Const. art. XVI, § 50(a)(6)(D), for a home equity loan, or § 50(k)(11), for a reverse mortgage, shall initiate such in rem proceeding by filing a verified application in the district court in any county where all or any part of the real property encumbered by the lien sought to be foreclosed (the "property") is located. The application shall:

- (A) be styled: "In re: Order for Foreclosure Concerning (Name of person to receive notice of foreclosure) and (Property Mailing Address) ";
- (B) identify by name the party who, according to the records of the holder of the debt, is obligated to pay the debt secured by the property;
- (C) identify the property by mailing address and legal description;
- (D) identify the security instrument encumbering the property by reference to volume and page, clerk's file number or other identifying recording information found in the official real property records of the county where all or any part of the property is located or attach a legible copy of the security instrument;
- (E) allege that:
 - (1) a debt exists;
 - (2) the debt is secured by a lien created under Tex. Const. art. XVI, § 50(a)(6), for a home equity loan, or § 50(a)(7), for a reverse mortgage;

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Table of Contents Texas Rules Of Civil Procedure Annotated 2003

1. Understanding the eBook Texas Rules Of Civil Procedure Annotated 2003
 - The Rise of Digital Reading Texas Rules Of Civil Procedure Annotated 2003
 - Advantages of eBooks Over Traditional Books
2. Identifying Texas Rules Of Civil Procedure Annotated 2003
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Texas Rules Of Civil Procedure Annotated 2003
 - User-Friendly Interface
4. Exploring eBook Recommendations from Texas Rules Of Civil Procedure Annotated 2003
 - Personalized Recommendations
 - Texas Rules Of Civil Procedure Annotated 2003 User Reviews and Ratings
 - Texas Rules Of Civil Procedure Annotated 2003 and Bestseller Lists
5. Accessing Texas Rules Of Civil Procedure Annotated 2003 Free and Paid eBooks
 - Texas Rules Of Civil Procedure Annotated 2003 Public Domain eBooks
 - Texas Rules Of Civil Procedure Annotated 2003 eBook Subscription Services
 - Texas Rules Of Civil Procedure Annotated 2003 Budget-Friendly Options
6. Navigating Texas Rules Of Civil Procedure Annotated 2003 eBook Formats

- ePub, PDF, MOBI, and More
- Texas Rules Of Civil Procedure Annotated 2003 Compatibility with Devices
- Texas Rules Of Civil Procedure Annotated 2003 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Texas Rules Of Civil Procedure Annotated 2003
 - Highlighting and Note-Taking Texas Rules Of Civil Procedure Annotated 2003
 - Interactive Elements Texas Rules Of Civil Procedure Annotated 2003
- 8. Staying Engaged with Texas Rules Of Civil Procedure Annotated 2003
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Texas Rules Of Civil Procedure Annotated 2003
- 9. Balancing eBooks and Physical Books Texas Rules Of Civil Procedure Annotated 2003
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Texas Rules Of Civil Procedure Annotated 2003
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Texas Rules Of Civil Procedure Annotated 2003
 - Setting Reading Goals Texas Rules Of Civil Procedure Annotated 2003
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Texas Rules Of Civil Procedure Annotated 2003
 - Fact-Checking eBook Content of Texas Rules Of Civil Procedure Annotated 2003
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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