

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAVID GARZA & GUADALUPE GARZA,

Plaintiffs,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY,

Defendant.

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CIVIL ACTION H-14-1097

FINAL JUDGEMENT & ORDER OF FORECLOSURE

Defendant Deutsche Bank National Trust Company is Trustee for the Holders of the First Franklin Mortgage Loan Trust 2005-FF2, Mortgage Pass- Through Certificates, Series 2005-FF2 (“Defendant” or “Deutsche Bank”). In accordance with the order issued this date, defendant Deutsche Bank National Trust Company’s motion for summary judgment (Dkt. 20) is GRANTED. It is further,

ORDERED, ADJUDGED AND DECREED that an event of default has occurred on that certain Texas Home Equity Note executed by David Garza on or about November 17, 2004 originally payable to First Franklin Financial Corporation (“Note”). It is further,

ORDERED, ADJUDGED AND DECREED that that certain Texas Home Equity Security Instrument (“Security Instrument”) dated November 17, 2004; recorded as document number Y10293 in the real property records of Harris County, Texas; and signed by David Garza and Guadalupe Garza (“Security Instrument”), provides Deutsche Bank, as the current owner and holder of the Note, in the event of David Garza’s default on his obligations on the Note, with a first lien security interest on that certain real property located at 15130 Harness Lane, Webster, Texas 77598 ("Property"), and more particularly described as follows:

LOT 16, BLOCK 12, OF STERLING KNOLL, SECTION 2, A SUBDIVISION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 258, PAGE 55, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

It is further,

ORDERED, ADJUDGED AND DECREED that Deutsche Bank is the current owner and holder of the Note and assignee of the Security Instrument representing a valid and existing lien on the Property. It is further,

ORDERED, ADJUDGED AND DECREED that the following are secured by the Security Instrument on the Property: the outstanding balance of the Note plus attorney fees; prejudgment interest; post-judgment interest; and costs of court. It is further,

ORDERED, ADJUDGED AND DECREED that Deutsche Bank, or its successors or assigns, may proceed with foreclosure of the Property as provided in the Security Instrument and section 51.002 of the Texas Property Code, or alternatively, judicial foreclosure. It is further


ORDERED, ADJUDGED AND DECREED that Deutsche Bank may further communicate with David Garza and Guadalupe Garza and all third parties reasonably necessary to conduct the foreclosure sale. It is further,

ORDERED, ADJUDGED AND DECREED that any notices regarding the foreclosure of the Property to David Garza and Guadalupe Garza shall be mailed to 15130 Harness Lane, Webster, Texas 77598 and to their counsel of record in this case. It is further,

ORDERED, ADJUDGED AND DECREED that this judgment is in rem only and not a judgment against the defendants David Garza and Guadalupe Garza personally. It is further,

ORDERED, ADJUDGED AND DECREED that, except as provided above, all costs and attorney's fees are taxed against the party incurring same. All relief not granted herein is denied. This is a final judgment, disposing of all parties and all claims and may be appealed by any party hereto. All for which let execution issue.

Signed at Houston, Texas on July 31, 2015.



Gray H. Miller
United States District Judge