

[REDACTED]

No. [REDACTED]

TRAVIS COUNTY JP #3  
2010 FEB 11 P 3:42

FANNIE MAE ALSO KNOWN AS FEDERAL NATIONAL  
MORTGAGE ASSOCIATION

Plaintiff,

IN THE JUSTICE OF THE  
PEACE COURT

Vs.

PRECINCT NO. 3  
POSITION NO.

[REDACTED]  
AND ALL OTHER OCCUPANTS OF  
[REDACTED]  
[REDACTED]

Defendant(s)

TRAVIS COUNTY, TEXAS

ORIGINAL PETITION FOR FORCIBLE DETAINER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, identified in the style above, complaining of the Defendant(s), identified in the style above, and for cause of action would respectfully show the Court as follows:

I.

Plaintiff is a corporation duly authorized to do business under the laws of the State of Texas.

Defendant(s) are residents of this County and may be served with citation at the property address identified in the style above. Pursuant to Rule 742a of the Texas Rules of Civil Procedure, it is hereby sworn that such address is the sole home or work address of Defendant(s) which is known to the person filing this petition and such person knows of no other home or work address of the Defendant(s) in the County where the property is located.

II.

Defendant(s) are currently in possession of the real property described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES

hereinafter referred to as the "Property" and more commonly referred to as

[REDACTED]

which is situated within the jurisdiction of TRAVIS County, Precinct # 3 Position #

## III.

Plaintiff is the owner of the Property pursuant to a Trustee's Deed or Substitute Trustee's Deed, hereinafter referred to as the "Trustee's Deed", which is recorded in the Real Property Records of this County.

## IV.

A notice of Non-Judicial Foreclosure Sale was filed and posted as was required by the Deed of Trust and applicable state law. This Foreclosure Notice set forth the following relevant facts:

- 1) That Defendant(s) executed or assumed the Deed of Trust, referred to in the Trustee's Deed. In this "Deed of Trust," the Property was pledged to secure the payment of a Promissory Note;
- 2) That default had occurred in payment of the Note;
- 3) That the Trustee or Substitute Trustee was authorized to sell the Property; and
- 4) That the Property would be sold to the highest bidder, for cash, on the date, time and place designated in the Foreclosure Notice.

## V.

The Plaintiff purchased the Property at the Non-Judicial Foreclosure Sale, and received from the Trustee or Substitute Trustee, the Trustee's Deed as evidence of Plaintiff's title.

## VI.

The Deed of Trust provided that upon occurrence of a Non-Judicial Foreclosure Sale, Defendant(s) were to surrender the Property to the Purchaser at such sale or be deemed to be Tenant(s) at Sufferance.

## VII.

In accordance with Sections 24.005 of the Texas Property Code and also in accordance with the Protecting Tenants at Foreclosure Act of 2009, written demand was made upon Defendant(s) to vacate the premises located on the Property. Defendant(s) have failed to honor Plaintiff's demand for possession and have refused to vacate the premises .

## VIII.

Pursuant to Section 24.002 of the Texas Property Code, Defendant(s) have committed a forcible detainer.

## IX.

As a result of Defendant(s)' forcible detainer, Defendant(s) have been in wrongful possession of the property since the date of the foreclosure sale.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays citation be issued against Defendant(s) in accordance with law, and that upon final hearing hereof judgment be entered in favor of Plaintiff for: (1) possession of the Property; (2) a writ of possession for the Property; (3) costs of suit for this action; and (4) such other and further relief, general or special, at law or in equity, to which it may show itself to be justly entitled.

Respectfully Submitted,

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
Attorneys for Plaintiff

*[Handwritten Signature]*  
\_\_\_\_\_

State Bar No. \_\_\_\_\_  
15000 Surveyor Boulevard, Suite 100  
Addison, Texas 75001  
(972) 386-5040  
(972) 341-0675 Facsimile

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PLEASE BE ADVISED THAT THIS LAW FIRM IS A DEBT COLLECTOR AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE.

AFFIDAVIT

STATE OF TEXAS }  
                          }  
COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ who, by me being first duly placed upon his or her oath, did state:

"My name is \_\_\_\_\_ of Dallas County, Texas. I am agent and attorney for Plaintiff and as such, I am authorized to make this Affidavit on their behalf.

I have read the foregoing Original Petition for Forcible Detainer and the statements made therein are within my personal knowledge and are true and correct.

*[Handwritten Signature]*  
\_\_\_\_\_

SUBSCRIBED TO AND SWORN TO on this 9 day of February, 2010

MY COMMISSION EXPIRES: \_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_  
(NOTARY PUBLIC, STATE OF TEXAS)

(PRINTED NAME OF NOTARY)

