

CAUSE NO. _____

PLAINTIFF(S)

vs.

DEFENDANT(S)

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IN THE _____ COURT

_____ COUNTY, TEXAS

APPLICATION FOR ORDER DIRECTING PAYMENT
OUT OF THE REAL ESTATE INSPECTION RECOVERY FUND

TO THE HONORABLE JUDGE OF SAID COURT:

_____, Plaintiff and judgment creditor in the captioned cause, makes this verified claim and applies to the Court for an order directing payment of judgment from the Real Estate Inspection Recovery Fund in accordance with Subchapter H, Chapter 1102, Texas Occupations Code, and in support of such claim, Plaintiff will show:

I.

Notice of this application for an order directing payment out of the Real Estate Inspection Recovery Fund has been given to the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas, 78711-2188 and to the defendant, _____

_____ by sending to each of them a copy of this application.

II.

On _____, _____, in the above captioned cause, judgment was rendered in favor of Plaintiff and against _____

_____, who was duly licensed by the Texas Real Estate Commission as an apprentice inspector, real estate inspector, or professional inspector at the time defendants's act(s) allowing recovery were committed. The judgment was based on defendant's act(s) which constitute a violation of Section _____, _____, _____, of Chapter 1102, Texas Occupations Code.

III.

Plaintiff's petition alleging the grounds for the judgment was filed in this Court, a court of competent jurisdiction, on _____, _____, a day within two years after the cause of action accrued.

IV.

On _____, _____, the judgment became final and Plaintiff caused to be issued by the clerk of this Court a writ of execution, directed to any sheriff or constable in the State of Texas. The writ was returned by the sheriff or constable of _____ County, Texas, with the notation "nulla bona." On _____, _____, Plaintiff caused to be issued an abstract of judgment from this Court and recorded the abstract in the real property/judgment lien records of _____ County in Volume _____, Page _____ (or Clerk's No. _____).

V.

The judgment is based on facts allowing recovery under Subchapter H, Chapter 1102, Texas Occupations Code. Plaintiff is the legal owner and holder of the judgment and has perfected a judgment lien. Plaintiff is not the spouse of the judgement debtor nor a personal representative of the debtor's spouse. The amount of the judgment awarded to Plaintiff was:

- \$ _____ in actual damages;
- \$ _____ in attorney fees;
- \$ _____ in costs of court; and
- \$ _____ in pre-judgment interest.

The judgment has been accruing interest at the rate of _____ % per day since the date of judgment. Plaintiff has received no payment in full or partial satisfaction of the judgment. The amount now owing on the judgment is \$ _____. Based on the best available information, the judgment debtor lacks sufficient attachable assets in this state or any other state to satisfy the judgment. The judgment debtor has no real or personal property or other assets liable to be sold or applied in satisfaction of the judgment. If the cause of action arose prior to September

1, 2001, the judgment is not subject to a stay or discharge in bankruptcy.

VII.

Plaintiff has incurred additional attorney fees in the amount of \$ _____ to the attorney whose name is subscribed to this application, as reasonable fees for services rendered in connection with filing and pursuing this claim and the satisfaction of the judgment.

WHEREFORE, Plaintiff requests that the Court, following hearing on this application upon due notice to the Texas Real Estate Commission and the judgment debtor, enter an order directed to the Real Estate Commission requiring payment from the Real Estate Inspection Recovery Fund to Plaintiff in an amount found to be payable on the claim.

Respectfully submitted,

Plaintiff or Plaintiff's attorney

VERIFICATION

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, who after being duly sworn, stated that he or she has personal knowledge of the facts stated in the above entitled Application for Order Directing Payment out of the Real Estate Inspection Recovery Fund; and that every statement contained therein is true and correct.

Plaintiff or Plaintiff's attorney

SUBSCRIBED AND SWORN TO BEFORE ME, by the said _____, on this _____ day of _____, _____, to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My commission expires _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the Texas Real Estate Commission, and _____, defendant, on this the _____ day of _____, 20____, via:

- Certified Mail, Return Receipt Requested
- First Class Mail, U.S. Postal Service
- Hand Delivered
- Federal Express

Plaintiff or Plaintiff's attorney