

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 RECOVERY TRUST ACCOUNT

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 Recovery Trust Account in accordance with Subchapter M, Chapter 1101, 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 Recovery Trust Account 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 a real estate broker or salesperson at the time of defendant's act(s) allowing recovery were committed. The judgment was based on defendant's act(s) which constitute a violation of Section \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, of Chapter 1101, The 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 M, Chapter 1101, 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. Plaintiff is not a real estate broker or s who is seeking to recover a real estate commission. 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 is accruing interest at the rate of \_\_\_\_\_ % from 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 Recovery Trust Account to Plaintiff in an amount found to be payable on the claim.

Respectfully submitted,

Plaintiff or Plaintiff's attorney

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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 Recovery Trust Account; 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 \_\_\_\_\_, \_\_\_\_\_ via:

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

\_\_\_\_\_  
Plaintiff or Plaintiff's attorney