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FORECLOSURE QUESTIONNAIRE

Pursuant to your request that our firm represent you in foreclosing on the ____ acres in _____ County, Texas, please complete this questionnaire and return it by _____. No attorney client relationship is established prior to execution by the attorney and the client of a written fee agreement and payment by the client of the attorney's fees.

1. Loan Documents. Enclose copies of all loan documentation, correspondence, file memoranda, reports, UCC searches, work-out negotiations, appraisals, and valuations contained in your records. Indicate enclosures by checking in the space provided; if an item does not exist, leave the space blank.

- Previous demands for payment
- Notice of acceleration
- Note
- Recorded deed of trust
- Security agreements
- Financing statements
- Continuing guaranty agreement
- Renewal and extension of note and lien agreements
- Partial releases and UCC-3 forms
- Assignment of leases and rents
- Mortgagee title policy and all endorsements
- Tax statements
- Hazard insurance policy

(____) Other documents, such as assumption agreements, title transfer documents, loan modifications, transfers of liens (list):

If any of the above spaces are not checked but a document of such nature exists, please provide any information you have.

_____.

If the present note is a renewal or aggregation of previous debts or notes, please describe prior debts or notes by note number, date, original principal amount, amount carried forward to the present note, and other information:

2. Notice Information. Please list all names and addresses shown on loan documents in your files or of which you are aware and indicate (by checking) the most recent address. Also please indicate the type of address (e.g., business or residence) and if a party has died or been involved in a divorce.

Note Makers:

	<u>Names and Addresses</u>	<u>Type</u>	<u>Death/Divorce</u>
(1)	_____	_____	_____

(2)	_____	_____	_____

(3)	_____	_____	_____

(4)	_____	_____	_____

Guarantors (if any):

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Grantor of Deed of Trust and Security Agreement (if different from above):

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Persons Assuming Debt:

(1) _____	_____	_____

(2) _____	_____	_____

Are any of the above persons in the armed services? _____

Current Owner or Occupant of Property:

	<u>Names and Addresses</u>		<u>Type</u>	<u>Death/Divorce</u>
(1)	_____	_____	_____	_____

(2)	_____	_____	_____	_____

Other Lienholders:

(1) _____	_____	_____

(2) _____	_____	_____

Other Persons to Whom Notice Should be Given:

(1) _____

(2) _____

Debtors Under Security Agreements

(if different from above):

(1) _____

(2) _____

3. Debt and Default Description. Describe all defaults that have occurred in the payment and/or performance of the loan documents described in item 1 above.

Known Defaults: _____

Debt

Note Number: _____

Date of Note: _____

Installment Payment: \$ _____

Installments Delinquent:

<u>Month/Year</u>	<u>Principal</u>	<u>Interest</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

Total Delinquent:

As of ___/___/___ \$_____ \$_____

	<u>Principal</u>	<u>Interest</u>	<u>Daily Accrual</u>
Payoff of loan as of ___/___/___, assuming loan ac- celerated on such date:	\$_____	\$_____	\$_____

Escrow Balance: \$_____

Last Date of Payment: _____

Other information: _____

4. Mortgaged Property and Collateral.

Homestead. Has the mortgage property ever been the debtor's or other party's (residential or business) homestead? _____

Residence. Have any of the parties (any maker, guarantor, or past or present owner) ever resided at the mortgaged property? _____

Address. List the street address of the mortgaged property.

Collateral. Please describe any personal property collateral.

Releases. Please describe any portion of the mortgaged property or collateral that has been released.

Plats. Has the mortgaged property been replatted since the closing of the loan?

Consents. Has the lender consented to any easements, restrictive covenants, leases, or other agreements affecting the mortgaged property or collateral? _____

Environmental Contaminants. Are you aware of any current or previous use of the property that would indicate the need for an environmental audit? _____ Describe any such use. _____

Agreements and Permits. If you are aware of any of the following matters affecting the mortgaged property or collateral, please indicate by checking in the space provided. Enclose copies of all agreements and lease-related documents in your possession, including the lease, rent roll, and nondisturbance agreement. List all known addresses of tenant on a separate sheet.

- Broker agreements
- Leasing agent agreements
- Management agreements
- Service agreements
- Utility service agreements
- Pending or considered sales agreements
- Leases
- Security deposits
- Other agreements or permits

Description of Liens. Please indicate if you are aware of any of the following and enclose a copy of the document or describe the lien:

Deed of Trust Liens

Date: _____

Recording

County: _____

Type of Records: _____

Clerk's File No.: _____

Volume and Page: _____

Grantor: _____

Trustee: _____

Beneficiary (name/address): _____

Debt Secured: _____

Posted for Foreclosure: _____

Other Comments: _____

(____) Subordination agreements (either subordination of lender's lien or other creditor's lien)

(____) Notice agreements (agreements to give notice of any default or foreclosure or to afford cure privileges)

(____) Notice of Claims (UCC; mechanic's, materialmen's, supplier's; unpaid creditors)

(____) Federal tax liens (description): _____

(____) Franchise tax liens (description): _____

(____) Inferior liens (description): _____

(____) Superior liens (description): _____

Insurance. Review the hazard (fire, flood, comprehensive loss, etc.) policies and indicate which of the following apply:

(____) Notice of the foreclosure sale to be sent to the insurer

(____) Notice of change of ownership to be sent to the insurer

(____) Notice of vacancy to be sent to the insurer

(____) Premiums have been paid to continue coverage through _____, 19____

Foreclosure Procedure

- (1) If loan documents cover both real and personal property, would separate foreclosure sales possibly bring a higher bid price? _____
- (2) Will the lender be able to gain peaceable repossession of the personal property so that the foreclosure sale may be held after the lender gains possession of the collateral?

- (3) Describe location of all personal property collateral. _____

- (4) If you are aware of any potential buyers or bidders for the mortgaged property or collateral, please list:

- (5) What means do you suggest to identify and notify potential buyers of any of the personal property collateral?

- (6) Has a substitute trustee ever been appointed for the trustee in the deed of trust?

Form completed by: _____

Date: _____

Title: _____