

NO. _____

IN RE: A PURPORTED	§	IN THE DISTRICT COURT
	§	
LIEN OR CLAIM AGAINST	§	_____ JUDICIAL DISTRICT
	§	
CHRISTA J. FOSTER	§	DENTON COUNTY, TEXAS

**MOTION FOR JUDICIAL REVIEW OF DOCUMENTATION OR INSTRUMENT
PURPORTING TO CREATE A LIEN OR CLAIM**

NOW COMES CHRISTA J. FOSTER and files this motion requesting a judicial determination of the status of documentation or an instrument purporting to create an interest in real or personal property or a lien or claim on real or personal property filed in the office of the Clerk of Denton County, Texas, and in support of the motion would show the court as follows:

1. CHRISTA J. FOSTER, movant herein, is the purported obligor or debtor or person, who own the real or personal properties (2801 Pioneer Dr., Denton, TX), against whom the purported lien was rendered. Said claim is described in the attached Exhibit “1” documentation or instrument.

FACTS

2. On August 7, 2009, in the exercise of the county clerk's official duties as County Clerk of Denton County, Texas, the county clerk received, filed, and recorded the documentation or instrument attached hereto titled DECLARATION OF COVENANT and containing 13 pages, and signed by Robert B. Shelton and JoAnn Shelton (“Declarant”) on August 7, 2009 (Instrument No. 2009-96161) (Exhibit “2”). Said document purports to have created a restrictive covenant enabling private transfer fee obligations on real or personal property against Movants’ properties.

3. On February 11, 2011, in the exercise of the county clerk's official duties as County Clerk of Denton County, Texas, the county clerk received, filed, and recorded the documentation or instrument attached hereto, containing 5 pages, entitled TERMINATION OF DECLARATION OF COVENANT, signed by Robert B. Shelton and JoAnn Shelton (“Declarant”) on January 21, 2011 (Instrument No. 2011-11582) (see Exhibit “3”). Said document states it terminated the Declarants’ restrictive covenants, nullifying current private transfer fee obligations on real or personal properties against Movants.

4. On June 4, 2021, in the exercise of the county clerk's official duties as County Clerk of Denton County, Texas, the county clerk received, filed, and recorded the documentation attached hereto entitled NOTICE OF CLAIMS, containing 9 pages, signed by Jennifer Alderman, Authorized Agent of Covenant Clearinghouse, LLC, trustee, and referencing the DECLARATION OF COVENANT’s Instrument No. 2009-96161 as a basis for claim of lien (see Exhibit “1”). Said document purports to have created and/or reinstated a lien on real or personal property against Movants.

ARGUMENT

5. Concerned with Covenant Clearinghouse, LLC’s (hereinafter “CCH”) actions, Movant reached out to one of the original Declarants of the Covenant, JoAnn Shelton. On August 25, 2021, Movant received an email in response to her concern from JoAnn Shelton, attached hereto and containing 1 page (see Exhibit “4”). Said documentation provides evidence from Declarant, JoAnn Shelton, demonstrating the current private transfer fee obligation on real or personal property against Movants on behalf of Declarant, is fraudulent in nature.

6. On August 26, 2021, Movant received an additional email from the original Declarant of the Covenants, attached hereto and containing 2 pages (see Exhibit “5”). Said email

provides further evidence from JoAnn Shelton that the current private transfer fee obligations on real or personal property against Movant on JoAnn Shelton's behalf is fraudulent in nature.

7. Movant alleges that the documentation or instruments attached hereto purporting to claim a private transfer fee obligation is fraudulent, as defined by Section 51.901(c)(2), Government Code , and that the documentation or instrument should therefore not be accorded lien status.

8. Movant attests those assertions herein are true and correct.

9. Movant does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek to invalidate a legitimate lien. Movant further acknowledges that movant may be subject to sanctions, as provided by Chapter 10, Civil Practice and Remedies Code, if this motion is determined to be frivolous.

PRAYER

Movant requests the court to review the attached documentations or instruments labeled Exhibit "1", Exhibit "2", Exhibit "3", Exhibit "4", and Exhibit "5" and enter an order determining whether Exhibit "1" should be accorded lien status, together with such other orders as the court deems appropriate.

Respectfully submitted,

Christa J. Foster
2801 Pioneer Dr.
Denton, TX 76210

AFFIDAVIT

THE STATE OF TEXAS §

COUNTY OF DENTON §

BEFORE ME, the undersigned authority, personally appeared Christa J. Foster, who, being by me duly sworn, deposed as follows:

“My name is Christa J. Foster. I am over 21 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying motion are true and correct.”

Further affiant sayeth not.

Christa J. Foster

SUBSCRIBED and SWORN TO before me,

this _____ day of September, 2021

NOTARY PUBLIC, State of Texas

Notary’s printed name:

My commission expires: