CLERK OF THE COURT TABATHA FERGUSON BOSQUE COUNTY CLERK MERIDIAN, TEXAS ATTORNEY FILING SCOTT E. OSMAN 1053 GLEN ROSE RD STEPHENVILLE, TEXAS 76401

#### THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF MARTIN HAYS, deceased, Docket No. P08635 County Court at Law Bosque County, Texas, NICHOLAS HAYS filed in the County Court at Law of Bosque County, Texas, on the 24th day of January, 2024 an APPLICATION TO FORECLOSE SECURED CLAIM OF FIRST FINANCIAL BANK. Said application will be heard and acted on by said Court no earlier than 10:00 am on the first Monday next after the expiration of ten days, from the date of posting this citation, the same being the 3<sup>rd</sup> day of February, 2025 at the County Court at Law Judicial Annex in MERIDIAN, TEXAS.

All persons interested in said estate are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting such application should they desire to do so.

The officer executing this citation shall post the copy of the citation at the Courthouse Door of the county in which proceedings are pending, or at the place in or near said Courthouse where public notices customarily are posted, for not less than 10 days before the return day thereof, exclusive of the date of posting and return the original copy of this citation to the Clerk stating in a written return thereon the time when and the place where he posted such copy.

GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT in Meridian, Texas. This the 22<sup>nd</sup> day of January, 2025.



ACTAUN ACTAUN

Bosque County Clerk

## **OFFICER'S RETURN ON CITATION**

Came to hand on the 22 day of 3a, 2025, at 11:46 o'clock A M. and executed on the 22 day of 3a, 2025by posting a copy of the within citation for ten days, exclusive of the day of posting, before the return day hereof, at the County Courthouse door of Bosque County, Texas, or at the place in or near the said courthouse where public notices customarily are posted, that is from 122, 2025, through 23, 2045, inclusive.

CONSTABLE BOSQUE COUNTY, TEXAS

Printed name: Scoll Ferguson

Filed: 1/16/2025 4:35 PM Tabatha Ferguson County Clerk Bosque County, Texas Wendy Orozco

## CAUSE NO. <u>P08635</u>

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\$ \$ \$ \$ \$

ESTATE OF

MARTIN HAYS,

DECEASED.

## IN THE COUNTY COURT

AT LAW

OF BOSQUE COUNTY, TEXAS

÷ .

## APPLICATION TO FORECLOSE SECURED CLAIM OF FIRST FINANCIAL BANK

### TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW FIRST FINANCIAL BANK ("Applicant") and files this Application to Foreclose Secured Claim of First Financial Bank and would respectfully show the Court the following:

1. On June 14, 2021, Decedent Martin Hays executed a promissory note with Applicant in the principal amount of \$40,000.00, together with interest thereon at the rate of 4.75% per annum (the "Note").

2. The Note was secured by a Commercial Pledge Agreement, granting First Financial Bank a security interest in the following personal property: five (5) sets of graded gold coins (ranging from 0.25 ounce to 1.00 ounce). The Note was also secured by a Commercial Security Agreement, granting First Financial Bank a security interest in the following personal property: 2006 Bobcat Toolcat 5600 (Serial Number A00311896) with mower deck attachment. On June 16, 2021, Applicant perfected its security interest in the foregoing described personal properties by filing a UCC Financing Statement with the Secretary of The State of Texas.

3. On October 21, 2024, Applicant filed its authenticated secured claim electing to have the claim allowed, approved and fixed as a preferred debt and lien against the properties described above, to be paid according to the terms of the security agreements.

4. On November 20, 2024, the Independent Administrator of this Estate allowed Applicant's authenticated secured claim. Thereafter, on November 26, 2024, the Court being satisfied that Applicant's claim was just, approved Applicant's claim in full as a secured claim.

5. The Note being in default, on December 6, 2024, Applicant sent a formal demand for payment of the full amount due and unpaid under the terms of the Note and security agreements to the Independent Administrator of this Estate. A true and correct copy of said demand to cure letter is marked as Exhibit "A", attached hereto and incorporated herein as if fully set forth at length.

6. The deficiency not being cured, on December 30, 2024, Applicant sent formal notice to the

Independent Administrator of this Estate that the Note had been accelerated. A true and correct copy of the notice of acceleration letter is marked as Exhibit "B", attached hereto and incorporated herein as if fully set forth at length.

7. As of October 16, 2024, the outstanding debt owed under the terms of the Note was \$20,705.97. The deficiency on the Note was not cured and the indebtedness was accelerated and is now due and owing in full.

8. The properties sought to be sold by foreclosure are five (5) sets of graded gold coins (ranging from 0.25 ounce to 1.00 ounce) and a 2006 Bobcat Toolcat 5600 (Serial Number A00311896) with mower deck attachment.

9. There are no other debts secured by a mortgage, lien, or security interest against the property known by the Applicant and Applicant has no knowledge of the existence of any debt secured by the property other than those described in the application.

10. Applicant respectfully requests the Court's permission to foreclose Applicant's mortgage, lien or security interest in the above-described properties securing the Note.

11. This Application is supported by the Affidavit of Blayne Baley, First Financial Bank Glen Rose President, which is marked as Exhibit "C", attached hereto and incorporated herein as if fully set forth at length.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that citation issue as required by law and that upon hearing hereof, this Court permit Applicant to foreclose Applicant's mortgage, lien or security interest in the properties securing Applicant's preferred debt and lien.

Respectfully submitted,

OSMAN LAW, PLLC 1053 Glen Rose Road Stephenville, Texas 76401 Telephone: 254-968-4681 Facsimile: 254-965-3548 Email: <u>Scott@osmanlawpllc.com</u>

By:/<u>s/ SCOTT E. OSMAN</u>

SCOTT E. OSMAN State Bar No. 00789531

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on this the  $16^{TH}$  day of January, 2025.

<u>/s/ SCOTT E. OSMAN</u>

SCOTT E. OSMAN

# EXHIBIT "A"

**USMAN LAW, PLLC** 

1053 Glen Rose Road, Stephenville, Texas 76401 scott@osmanlawpllc.com

Scott E. Osman

Telephone: 254-968-4681 Facsimile: 254-965-3548

# NOTICE OF DEFAULT, DEMAND FOR PAYMENT AND INTENTION TO ACCELERATE

December 6, 2024

To:

Date:

VIA CM/RRR #7022 1670 0000 9172 3544 AND REGULAR FIRST CLASS MAIL

Nicholas Hays, Independent Administrator of the Estate of Martin Hays, Deceased c/o Michael Hammond McArthur, Boedeker & Hammond 11 N. Main Street Cleburne, Texas 76033

Note:

Date:	June 14, 2021
Original Amount:	\$40,000.00
Debtor:	Martin Wayne Hays
Holder of Note:	First Financial Bank

Commercial Security Agreement:

Date:	June 14, 2021
Grantor:	Martin Wayne Hays
Secured Party:	First Financial Bank
Collateral:	2006 Bobcat Toolcat 5600 (Serial Number
	A00311896) with mower deck attachment

Commercial Pledge Agreement:

Date:	June 14, 2021
Grantor:	Martin Wayne Hays
Secured Party:	First Financial Bank
Collateral:	Five (5) sets of graded gold coins (ranging from 0.25

Notice of Default, Demand for Payment and Intention to Accelerate

As you are aware, First Financial Bank, is the owner and holder of the Note and the creditor to whom the indebtedness is owed and whose authenticated secured claim has been approved by the Court.

The obligation of Decedent to First Financial Bank as set out in the abovedescribed Note, is in default because of delinquency of payments. Additionally, under the terms of the Note, the Decedent agreed to pay reasonable attorney's fees and other costs should the Note be given to any attorney for collection or enforcement. To date, the records of First Financial Bank show that the following sums are due and owing by the Decedent's Estate:

Payment due May 25, 2024	\$751.36
Payment due June 25, 2024	\$751.36
Payment due July 25, 2024	\$751.36
Payment due August 25, 2024	\$751.36
Payment due September 25, 2024	\$751.36
Payment due October 25, 2024	\$751.36
Payment due November 25, 2024	\$751.36
Accumulated late charges	\$150.28
Attorney's fees and expenses	<u>\$1,500.00</u>

Total	<u>\$6,909.80</u>
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Demand is hereby made for payment of all amounts due and unpaid under the terms of the Note, Commercial Security Agreement and Commercial Pledge Agreement, including the above-described amounts on or before 12:00 P.M. on December 27, 2024. Payment of the due and unpaid installments, late charges and attorney's fees must be made in cash or by cashier's check at Osman Law, PLLC, 1053 Glen Rose Road, Stephenville, Texas 76401.

If the default is not cured by December 27, 2024, the entire unpaid balance of the Note, together with accrued and unpaid interest, attorney's fees and expenses, will be accelerated and will be fully due and payable, proceedings in accordance with the Uniform Commercial Code and the Texas Estates Code will be instituted, and an application to foreclose the lien on the property securing my client's authenticated secured claim will be filed. Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1601, et seq., we are providing you with the following notice in connection with the collection of all indebtedness and obligations evidenced by or securing payment of the Debt described in this letter. Notice is hereby given that unless you, within thirty (30) days after receipt of this letter, dispute the validity of the debt or any portion thereof, the indebtedness will be assumed to be valid.

Notice is further given that if you notify this office in writing within this thirty (30) day time period, that the debt or any portion of it is disputed by you, this office will obtain verification of the debt, or if a judgment has been entered against you in regard to the debt, this office will obtain a copy of the judgment against you, and this office will mail you a copy of the verification or judgment, as the case may be. Upon your written request within the same thirty (30) day period, this office will provide you with the name and address of the original creditor, if the name and address of the original creditor is different from the creditor named above.

If a party who receives this letter is a debtor in a bankruptcy proceeding subject to the provisions of the United States Bankruptcy Code (Title 11 of the United States Code; hereafter the "Code"), this letter is merely intended to be written notice that formal demand has been made in compliance with the Commercial Security Agreement, Commercial Pledge Agreement and Texas law. This letter is not an act to collect, assess or recover a claim against that party, nor is this letter intended to violate any provisions of the Code. Any and all claims asserted against that party will be properly asserted in compliance with the Code in the bankruptcy proceeding.

Please be advised that our office is attempting to collect this debt and any information obtained will be used for that purpose.

If you have any questions, please consult your legal counsel.

Sincerely,

/s/ Scott E. Osman

Scott E. Osman SEO:cm cc: Norhana Hays c/o Jason S. English Jason S. English Law, PLLC 505 W. 12th Street, Suite 201 Austin, Texas 78701

> VIA CM/RRR #9589 0710 5270 0335 1606 12 AND REGULAR FIRST CLASS MAIL

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	B Received by (Rrinted Name) C. Date of De
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PS Form 3811, July 2020 PSN 7530-02-000-9053

# EXHIBIT "B"

# **OSMAN LAW, PLLC**

1053 Glen Rose Road, Stephenville, Texas 76401 scott@osmanlawpllc.com

Scott E. Osman

Telephone: 254-968-4681 Facsimile: 254-965-3548

## **NOTICE OF ACCELERATION**

December 30, 2024

VIA CM/RRR #9589 0710 5270 2009 0553 54 and email to: <u>michael@mbhfirm.com</u>

Nicholas Hays, Independent Administrator of the Estate of Martin Hays, Deceased c/o Michael Hammond McArthur, Boedeker & Hammond II N. Main Street Cleburne, Texas 76033

> Re: Indebtedness evidenced by Promissory Note dated June 14, 2021, in the Original Principal Amount of \$40,000.00 due and unpaid to First Financial Bank, N.A., executed by Martin Wayne Hays, and secured by a Commercial Security Agreement and a Commercial Pledge Agreement dated June 14, 2021

Dear Mr. Hays:

As you are aware, this law firm represents First Financial Bank owner and holder of the Note, and the creditor to whom the debt is owed, with respect to the above-referenced indebtedness. By letter of December 6, 2024, the undersigned made demand upon the Estate of Martin Hays, Deceased (the "Estate") for payment of the full amount due and unpaid under the terms of the Note, Commercial Security Agreement and Commercial Pledge Agreement.

The letter of December 6, 2024, gave the Estate an opportunity to cure the default. In the event the Estate's default was not cured by December 27, 2024, the letter of December 6, 2024 gave you notice of First Financial Bank's intention to accelerate the Estate's indebtedness and proceed to foreclose the lien on the property in accordance with the Texas Estate Code.

This letter is formal notice to the Estate that the Estate's indebtedness to First Financial Bank has been accelerated. This letter is also formal notice to you that First Financial Bank will make application to foreclose the lien on the property in accordance with the Texas Estate Code and proceed with a private/public sale of said collateral in accordance with the Uniform Commercial Code.

Notice of Acceleration

Page 1 of 2

If you have any questions, please consult your legal counsel.

Sincerely, 7.

Scott E. Osman SEO:cm

cc: Norhana Hays c/o Jason S. English Jason S. English Law, PLLC 505 W. 12th Street, Suite 201 Austin, Texas 78701

VIA CM/RRR #9589 0710 5270 2009 0553 61 and email to: <u>jason@jasonenglish.net</u>

Client

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i89 0710 5270 2009 0553 54 PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

## scott@osmanlawpllc.com

From:	scott@osmanlawpllc.com
Sent:	Monday, December 30, 2024 2:34 PM
То:	'Michael Hammond'; jason@jasonenglish.net
Cc:	'Blayne Baley'; Osman Law Staff
Subject:	Estate of Martin Hays - Notice of Acceleration
Attachments:	Notice of Acceleration.pdf

Gentlemen, please see the attached Notice of Acceleration of the referenced note. Your attention and courtesies in this matter are appreciated.

Scott E. Osman Osman Law, PLLC 1053 Glen Rose Road Stephenville, Texas 76401 (P) 254-968-4681 (F) 254-965-3548 www.osmanlawpllc.com

This email transmission is covered by the Electronic Communications Privacy Act, 18 USC 2510-2521 and may be legally privileged, confidential, and protected from disclosure. If you are not the intended recipient, you are hereby notified that any use, disclosure, copying, distribution, dissemination or the taking of any action in reliance on the contents of the emailed information is strictly prohibited. If you have received this email in error, please immediately notify the sender at (254) 968-4681 or <u>scott@osmanlawpllc.com</u> and destroy the original email transmission.

# EXHIBIT "C"

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### CAUSE NO. <u>P08635</u>

ESTATE OF	§	IN THE COUNTY COURT
	§	
MARTIN HAYS,	ş	AT LAW
	ş	
DECEASED.	§	OF BOSQUE COUNTY, TEXAS

### AFFIDAVIT OF BLAYNE BALEY

BEFORE ME, the undersigned authority, personally appeared BLAYNE BALEY, who, after being duly sworn, deposed as follows:

1. My name is BLAYNE BALEY. I am over the age of eighteen (18) years and of sound mind. I am fully competent to make this affidavit and I am personally acquainted with the facts herein stated. I have never been convicted of a felony or a crime involving moral turpitude. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the Glen Rose President of First Financial Bank ("Applicant").

3. On June 14, 2021, Decedent Martin Hays executed a promissory note with Applicant in the principal amount of \$40,000.00, together with interest thereon at the rate of 4.75% per annum (the "Note").

4. The Note was secured by a Commercial Pledge Agreement, granting First Financial Bank a security interest in the following personal property: five (5) sets of graded gold coins (ranging from 0.25 ounce to 1.00 ounce). The Note was also secured by a Commercial Security Agreement, granting First Financial Bank a security interest in the following personal property: 2006 Bobcat Toolcat 5600 (Serial Number A00311896) with mower deck attachment. On June 16, 2021, Applicant perfected its security interest in the foregoing described personal property by filing a UCC Financing Statement with the Secretary of State of Texas.

5. On October 21, 2024, Applicant filed its authenticated secured claim electing to have the claim allowed, approved and fixed as a preferred debt and lien against the properties described above, to be paid according to the terms of the security agreements.

6. On November 20, 2024, the Independent Administrator of this Estate allowed Applicant's authenticated secured claim. Thereafter, on November 26, 2024, the Court being satisfied that Applicant's claim was just, approved Applicant's claim in full as a secured claim.

7. The Note being in default, on December 6, 2024, Applicant sent a formal demand for payment of the full amount due and unpaid under the terms of the Note and security agreements to the Independent Administrator of this Estate. A true and correct copy of said demand to cure letter is marked as Exhibit "A", attached hereto and incorporated herein as if fully set forth at length.

Affidavit of Blayne Baley

Page 1 of 2

8. The deficiency not being cured, on December 30, 2024, Applicant sent formal notice to the Independent Administrator of this Estate that the Note had been accelerated.

9. The properties sough to be sold by foreclosure are five (5) sets of graded gold coins (ranging from 0.25 ounce to 1.00 ounce) and a 2006 Bobcat Toolcat 5600 (Serial Number A00311896) with mower deck attachment.

10. As of October 16, 2024, the outstanding debt owed under the terms of the Note was \$20,705.97.

11. The deficiency on the Note was not cured and the indebtedness was accelerated and is now due and owing in full.

12. There are no other debts secured by a mortgage, lien, or security interest against the property known by the Applicant.

13. Applicant has no knowledge of the existence of any debt secured by the property other than those described in the application.

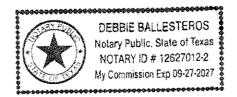
14. Applicant respectfully requests the Court's permission to foreclose Applicant's mortgage, lien or security interest in the above-described properties.

Further affiant sayeth not.

BLAYNE BALEY

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by Blayne Baley, individually and in his capacity as Glen Rose President of First Financial Bank on this  $\int (d f) ddy$  of January, 2025, to certify which witness my hand and seal of office.

Notary Public, State of Texas



Affidavit of Blayne Baley

Page 2 of 2

# Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Scott Osman on behalf of Scott Osman Bar No. 789531 scott@osmanlawpllc.com Envelope ID: 96325344 Filing Code Description: Application on Sale of Personal Property Filing Description: Application to Foreclose Secured Claim of First Financial Bank Status as of 1/22/2025 11:08 AM CST

Associated Case Party: NicholasHays

Name	BarNumber	Email	TimestampSubmitted	Status
Brent Kiel	24097064	brent@cainlawyers.com	1/16/2025 4:35:14 PM	SENT
MICHAEL JHAMMOND		michael@mandblawoffice.com	1/16/2025 4:35:14 PM	SENT

Associated Case Party: MartinHays

Name	BarNumber	Email	TimestampSubmitted	Status
Monica Button	24119479	keplaw_mb@yahoo.com	1/16/2025 4:35:14 PM	SENT

## Associated Case Party: NorhanaHays

Name	BarNumber	Email	TimestampSubmitted	Status
Jason English	24032155	efile@jasonenglish.net	1/16/2025 4:35:14 PM	SENT

## Associated Case Party: First Financial Bank

Name	BarNumber	Email	TimestampSubmitted	Status
Osman Law Staff		lawseo@yahoo.com	1/16/2025 4:35:14 PM	SENT
Scott E.Osman		scott@osmanlawpllc.com	1/16/2025 4:35:14 PM	SENT