

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION**

PHH Mortgage Corporation v. Bernice Atkins

PHH Mortgage · No. 4:24-cv-03111 · Decided November 26, 2025

SUMMARY

The United States District Court for the Southern District of Texas adopted a magistrate judge's Report and Recommendation recommending attorney fees after default judgment in a mortgage dispute involving a statutory probate lien and nonjudicial foreclosure. The court ordered Bernice Atkins to pay PHH Mortgage Corporation \$3,410 in attorney and paralegal fees and \$405 in costs.

OPINION

November 26, 2025 Nathan Ochsner, Clerk UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION PHH MORTGAGE § CIVIL ACTION NO CORPORATION, § 4:24-cv-03111 Plaintiff, § § § vs. § JUDGE CHARLES ESKRIDGE § § BERNICE ATKINS, § Defendant. § ORDER ADOPTING REPORT AND RECOMMENDATION Plaintiff PHH Mortgage Corporation initiated this mortgage dispute in August 2024.

Dkt 1. It brings claims for declaratory judgment, to enforce statutory probate lien, and for nonjudicial foreclosure. Id at ¶¶26–33. Defendant Bernice Atkins was served that month but failed to respond. Dkt 7. The Clerk entered default against Defendant in October 2024. Dkt 11. Plaintiff then moved for default judgment in January 2025. Dkt 14.

The matter was referred for disposition to Magistrate Judge Dena Hanovice Palermo. Dkt 8. Judge Palermo issued a Report and Recommendation in which she recommended that the motion for default judgment be granted. Dkt 15. That was previously adopted, with judgment entered against Defendant. Dkt 16 (order adopting); Dkt 17 (final judgment). Pending is a motion by Plaintiff for attorney fees.

Dkt 18. Judge Palermo issued a further Report and Recommendation recommending that the motion be granted. Dkt 19. The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, per curiam).

The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308

(5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, en banc); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error appears upon review and consideration of the record, the applicable law, and the Report and Recommendation. The Report and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 19. Defendant is ORDERED to pay Plaintiff reasonable attorney and paralegal fees in the amount of \$3,410 and costs in the amount of \$405, for a total of \$3,815.

SO ORDERED. Signed on November 26, 2025, at Houston, Texas. VABZ. Hon. Charles Eskridge
United States District Judge