

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, AUSTIN DIVISION

Wilmington Savings Fund Society, FSB, Not in Its Individual
Capacity but Solely as Certificate Trustee of Bosco Credit II Trust
Series 2010-1 v. Juvenal Rivera, Jr. and Marcy Rivera

Wilmington Savings Fund Society v. Rivera · No. 1:25-CV-00826 · Decided December 10, 2025

SUMMARY

The United States District Court for the Western District of Texas adopted a magistrate judge’s report and recommendation regarding the plaintiff’s motion for attorney fees and costs. The court awarded \$3,730.00 in attorney and paralegal fees and \$760.95 in costs, specifying that the amounts were recoverable only as obligations under the Note and Deed of Trust and were not personal judgments against the defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Austin Division
WRITING FOR THE COURT	Alan D. Albright
JURISDICTION	United States District Court for the Western District of Texas, Austin Division
DECIDED	December 10, 2025
DOCKET	1:25-CV-00826
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation concerning the plaintiff's motion for attorney fees and bill of costs. No party filed objections.
STANDARD OF REVIEW	When no timely objections are filed to a magistrate judge's report and recommendation, the district court reviews the report and recommendation for clear error.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- attorney fees
- costs
- civil procedure
- contracts
- mortgages

PRACTICE AREAS

civil procedure

attorney fees

costs

contracts

real estate

QUESTIONS PRESENTED

1. Whether the district court should review and adopt the magistrate judge's report and recommendation when no party filed timely objections.
2. Whether the plaintiff should be awarded the recommended attorney fees, paralegal fees, and costs.
3. Whether the fee and cost award should be entered as a personal judgment against the defendants or as an additional obligation under the Note and Deed of Trust.

HOLDINGS

1. When no timely objections are filed, the district court reviews the magistrate judge's report and recommendation for clear error.
2. The district court should adopt the report and recommendation because clear-error review disclosed no error.
3. The plaintiff was awarded \$2,780.00 in attorney fees, \$950.00 in paralegal fees, and \$760.95 in costs.
4. The fees and costs are not a personal judgment against the defendants and are recoverable only as a further obligation owed under the Note and Deed of Trust.

KEY QUOTATIONS

“Because the parties have not filed timely objections, the Court has reviewed Judge Lane’s report and recommendation for clear error.”

“these fees and costs will not be a personal judgment against Defendants, but solely recoverable as a further obligation owed by the Defendants under the Note and Deed of Trust.”

FACTUAL BACKGROUND

Wilmington Savings Fund Society sought attorney fees and costs in the litigation involving Juvenal Rivera, Jr. and Marcy Rivera. The magistrate judge recommended awarding \$3,730.00 in attorney and paralegal fees and \$760.95 in costs. The district court also specified that the award would not constitute a personal judgment against the defendants but would be recoverable as an additional obligation under the Note and Deed of Trust.

PROCEDURAL HISTORY

United States Magistrate Judge Mark Lane issued a report and recommendation on November 3, 2025, recommending that the plaintiff's motion for attorney fees be granted and that the plaintiff receive the requested costs. Because no objections were filed, the district court reviewed the report and recommendation for clear error, found none, adopted it, and entered an award of fees and costs.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)

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