

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, SAN ANTONIO DIVISION

PennyMac Loan Services, LLC v. Toni A. Prather and Tamera R.
Hargrove-Lenzy

Prather · No. SA-24-CA-1430-FB · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Texas accepted a magistrate judge's Report and Recommendation concerning PennyMac Loan Services, LLC's amended motion for default judgment. The court granted the motion and authorized enforcement of the deed of trust through foreclosure under Texas Property Code section 51.002, with entitlement to specified secured amounts upon entry of judgment.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, San Antonio Division
WRITING FOR THE COURT	Fred Biery
JURISDICTION	United States District Court for the Western District of Texas, San Antonio Division
DECIDED	December 4, 2025
DOCKET	SA-24-CA-1430-FB
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and accepted a magistrate judge's Report and Recommendation recommending entry of default judgment against Defendants.
STANDARD OF REVIEW	Because no objections were filed, the district court was not required to conduct de novo review and reviewed the Report and Recommendation for clear error and whether it was contrary to law.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- default judgment
- foreclosure
- mortgages
- civil procedure
- remedies

PRACTICE AREAS

civil procedure

foreclosure

mortgages

remedies

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's Report and Recommendation when no objections were filed.
2. Whether Plaintiff was entitled to default judgment authorizing enforcement of the deed's power of sale through foreclosure.
3. Whether Plaintiff could obtain a later declaratory judgment establishing the amounts secured by the deed, including the note balance, interest, costs, and attorney's fees.

HOLDINGS

1. When no party objects to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and may review the recommendation for clear error and whether it is contrary to law.
2. Plaintiff's amended motion for default judgment was granted, and Plaintiff was authorized to enforce the power of sale in the deed through foreclosure of the property pursuant to Section 51.002 of the Texas Property Code.
3. Upon filing a motion for entry of judgment with a proposed judgment attached, Plaintiff would be entitled to a judgment declaring that the deed secured the outstanding balance of the note, prejudgment interest, post-judgment interest, court costs, and attorney's fees.

KEY QUOTATIONS

"Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review."

"Plaintiffs Amended Motion for Default Judgment (docket no. 35) is GRANTED and Plaintiff is AUTHORIZED to enforce the power of sale in the deed through foreclosure of the property pursuant to Section 51.002 of the Texas Property Code."

FACTUAL BACKGROUND

PennyMac Loan Services, LLC sought default judgment against Toni A. Prather and Tamera R. Hargrove-Lenzy in connection with enforcement of a deed and foreclosure of the property. Certified mail sent to the Defendants was returned marked "Return to Sender," "Unclaimed," and "Unable to Forward." No objections to the magistrate judge's Report and Recommendation were filed.

PROCEDURAL HISTORY

Plaintiff filed an amended motion for default judgment. The magistrate judge issued a Report and Recommendation recommending that the motion be granted. Certified mail to Defendants was returned unclaimed and unable to be forwarded, and no objections were filed. The district court accepted the Report and

Recommendation, granted the amended motion for default judgment, and authorized Plaintiff to enforce the deed's power of sale through foreclosure.

DISPOSITION

other

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION PENNYMAC LOAN SERVICES, LLC, § § Plaintiff, § § V. § CIVIL
ACTION NO. SA-24-CA-1430-FB § TONI A. PRATHER, and TAMERA R. § HARGROVE-
LENZY, § § Defendants. § ORDER ACCEPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE Before the Court is the Report and Recommendation
of United States Magistrate Judge concerning Plaintiff's Amended Motion for Default Judgment
(docket no. 35) against Defendants Toni A. Prather and Tamara R. Hargrove-Lenzy, filed in the
above-captioned cause on November 12, 2025.

(Docket no. 36). According to the CM/ECF docket sheet in this case, the certified mail sent to
Defendants Prather and Hargrove-Lenzy was returned by the post office marked "Return to
Sender," "Unclaimed," "Unable to Forward." (Docket nos. 39 & 40).

To date, no objections to the Report and Recommendation have been filed.¹ Because no party has
objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de
novo review. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination
of those portions of the report or specified proposed findings and recommendations to which
objection is made.").

The Court has reviewed the Report and Recommendation and finds its 1 Any party who desires to
object to a Magistrate's findings and recommendations must serve and file written objections
within fourteen days after being served with a copy of the findings and recommendation. 28
U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known
address, "service is complete upon mailing." FED.

R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon
transmission." Id. at (E). reasoning to be neither clearly erroneous nor contrary to law. United
States v. Wilson, 864 F.2d 1219, 1221 (Sth Cir.), cert. denied, 492 U.S. 918 (1989). IT IS
THEREFORE ORDERED that the Report and Recommendation of United States Magistrate
Judge (docket no. 36) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiffs

Amended Motion for Default Judgment (docket no. 35) is GRANTED and Plaintiff is AUTHORIZED to enforce the power of sale in the deed through foreclosure of the property pursuant to Section 51.002 of the Texas Property Code.

Upon the filing of a Motion for Entry of Judgment, with a proposed judgment attached, Plaintiff also will be entitled to a judgment declaring that the following are secured by the deed on the property: (a) the outstanding balance of the Note; (b) prejudgment interest; (c) post-judgment interest from the date of judgment until paid; (d) costs of court; and (e) attorney's fees.

It is so ORDERED. SIGNED this 4th day of December, 2025. Feet CF D BIERY UNITED STATES DISTRICT JUDGE