

File Number: TX-17-7938-MC

JOHN F. WARR  
COUNTY CLERK  
DALLAS COUNTY

MAR 23 AM

FILED

**NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE**

**Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military as a member of the Texas national Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

WHEREAS, on 8/1/2005, JAI B. POOLE AND CHERYL D. POOLE, HUSBAND AND WIFE, executed a Deed of Trust conveying to MATTHEW D. REIDL as Trustee, the Real Estate hereinafter described, to BENEFICIAL TEXAS INC., in the payment of a debt therein described, said Deed of Trust being recorded under Instrument 3462477, Volume 2005154, Page 01263, in the DEED OF TRUST OR REAL PROPERTY records of DALLAS COUNTY, Texas; and

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness;

WHEREAS, the undersigned had been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

WHEREAS, an Order to Proceed with Notice of Foreclosure Sale and Foreclosure Sale was entered on February 10, 2017 under Cause No. DC-16-14726 in the 44TH Judicial District Court of DALLAS COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 5/2/2017 beginning not earlier than 1:00PM, or not later than three hours thereafter, I will sell said Real Estate in DALLAS COUNTY, TEXAS to the highest bidder for cash. The sale will be conducted in the area designated by the Commissioners' Court, of said county, pursuant to Section §51.002 of the Texas Property Code as amended; if no area is designated by the Commissioners' Court, the sale will be conducted at the location where this Notice of Trustee's Sale was posted. Said Real Estate is described as follows:

LOT THIRTY-SEVEN, BLOCK FOUR (4) OF SHERWOOD PARK SECTION, TWO, AN ADDITION TO THE CITY OF COPPELL, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84201, PAGE 2763, DALLAS COUNTY, TEXAS.

Property Address: 232 NIXON ST, COPPELL, TX 75019

Mortgage Servicer: Caliber Home Loans, Inc.

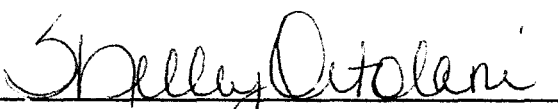
Mortgage Servicer Address: 13801 WIRELESS WAY, OKLAHOMA CITY, OK, 73134

Reinstatement Line: (800) 401-6587

Noteholder: U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust

The Mortgage Servicer is authorized to represent the Noteholder by virtue of a servicing agreement with the Noteholder. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.

WITNESS MY HAND this day, 3.23.2017



When recorded please return to:

Caliber Home Loans, Inc. – Document Control

13801 WIRELESS WAY

OKLAHOMA CITY, OK 73134

Shelley Ortolani, Mary Mancuso, Robert Ortolani, Michele Hreha, Guy Wiggs, Russell Stockman, David Stockman, Brenda Wiggs, Denise Boerner, Donna Stockman, Tim Lewis, Michelle Schwartz,



4613867

In Re: Order of Foreclosure	§	IN THE DISTRICT COURT
Concerning	§	
232 NIXON ST	§	
COPPELL, TX 75019	§	
Under Tex. R. Civ. P. 736	§	
	§	
Petitioner: U.S. BANK TRUST, N.A., AS	§	OF DALLAS COUNTY, TEXAS
TRUSTEE FOR LSF9 MASTER	§	
PARTICIPATION TRUST	§	
	§	
Respondent(s): JAI B. POOLE and	§	
CHERYL D. POOLE	§	44 <sup>th</sup> JUDICIAL DISTRICT

**HOME EQUITY FORECLOSURE ORDER**

On this date the court considered the TEX. R. CIV. P. 736 Home Equity Foreclosure Application of U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, its successor or assigns, (hereinafter "Petitioner"). The court determined it has jurisdiction over the subject matter and the parties in this proceeding. After reviewing the pleadings, the affidavits and the arguments of counsel, the court finds:

1. Petitioner's application complies with the requirements of Texas Rules of Civil Procedure 736.

2. The name and last known address of each Respondent subject to this Order is:

JAI B. POOLE  
232 NIXON ST  
COPPELL, TX 75019

CHERYL D. POOLE  
232 NIXON ST  
COPPELL, TX 75019

3. The property that is the subject of this foreclosure proceeding is commonly known as 232 NIXON ST, COPPELL, TX 75019 with the following legal description:

**LOT THIRTY-SEVEN (37), BLOCK FOUR (4) OF SHERWOOD PARK SECTION, TWO, AN ADDITION TO THE CITY OF COPPELL, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84201, PAGE 2763. DALLAS COUNTY, TEXAS.**

4. The lien to be foreclosed is indexed or recorded at CLERK'S FILE NO. 3462477 and recorded in the real property records of DALLAS County, Texas.

5. The material facts establishing Respondent('s/s') default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.

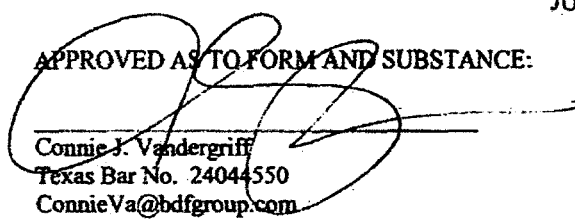
6. Therefore, the Court grants Petitioner's Application for an Expedited Order Under Rule 736 on a Home Equity Loan. Petitioner, and its successors and assigns, may proceed with foreclosure of the Property described above in accordance with the applicable law and the loan agreement, contract or lien sought to be foreclosed.

7. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 10 day of February, 2017

  
\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

  
\_\_\_\_\_  
Connie J. Vandergriff  
Texas Bar No. 24044550  
ConnieVa@bdfgroup.com  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001  
972-386-5040 (Phone)  
972-341-0734 (Fax)

**ATTORNEYS FOR PETITIONER**

HE Order  
BDFTE No.: 6124226

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## Notice of [Substitute] Trustee Sale

**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

**1. Date, Time, and Place of Sale.**

**Date:** 05/02/2017

**Time:** The sale will begin at 10:00 AM or not later than three hours after that time

**Place:** George Allen Courts Building, 600 Commerce Street, Dallas, TX 75202 - North side of George Allen Courts Bldg, facing Commerce Street OR AS DESIGNATED BY THE COUNTY COMMISSIONERS

**Property Address:** 515 Raintree Cir, Coppell, TX 75019

- 2. Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust. Any conveyance of the property is subject to all matters of record affecting the property
- 3. Instrument to be Foreclosed:** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated 05/22/2009 and recorded 06/23/2009 in Document 200900178474, Book --- Page ---, real property records of Dallas County Texas, with James W. Dark and Kelly E. Dark grantor(s) and Mountain States Mortgage Centers Inc., as lender, Mortgage Electronic Registration Systems, Inc., as Beneficiary .
- 4. Appointment of Substitute Trustee:** The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by the above referenced Deed of Trust.
- 5. Obligation Secured:** Deed of Trust or Contract Lien executed by James W. Dark and Kelly E. Dark securing the payment of the indebtedness in the original principal amount of \$ 191,518.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. **Ocwen Loan Servicing, LLC** is the current mortgagee of the note and the deed of trust or contract lien.

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

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## Notice of [Substitute] Trustee Sale

6. **Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

7. **Property to be sold:** The property to be sold is described as follows:

**LOT 5, IN BLOCK D, OF RAINTREE VILLAGE AN ADDITION TO THE CITY OF COPPELL DALLAS COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 86132, PAGE 2311, OF THE MAP RECORDS OF DALLS COUNTY, TEXAS.**

8. **Mortgage Servicer Information:** The Mortgage Service is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. **Ocwen Loan Servicing, LLC**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

**C/O Ocwen Loan Servicing, LLC  
1661 Worthington Rd., Suite 100  
West Palm Beach, FL 33409  
Phone: 1-800-746-2936**

**Notice of [Substitute] Trustee Sale**

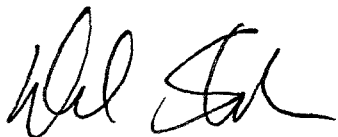
**9. Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER**

**Date:** March 15, 2017



Stephanie Spurlock, Laterrica Thompkins, Camisha Scott, Keisha Lyons, Melisa Jones, Iman Walcott, Tanesha Humphrey, Claire Buxton., – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer



Guy Wiggs, Russell Stockman, David Stockman, Brenda Wiggs, Denise Boerner, Donna Stockman, Lori McCarty, Tim Lewis, Michelle Schwartz, Shelley Ortolani, Mary Mancuso, Robert Ortolani, Michele Hreha, Brett Baugh, John Beazley, Kenny Shirey, Rick Montgomery, Craig Muirhead, Aaron Parker, Clay Golden, Robert Aguilar, Brent Graves, Wendy Lambert, Troy Robinett, Mark Buleziuk, Terry Waters, Matt Hansen, Frederick Britton, Chris Demarest, Chance Oliver, Max Murphy or Bret Allen, Kelly Leonard, Angel L. Reyes II – Substitute Trustee(s)

C/O Power Default Services, Inc.  
Northpark Town Center  
1000 Abernathy Rd NE; Bldg 400, Suite 200  
Atlanta, GA 30328  
Telephone: 855-427-2204  
Fax: 866-960-8298

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**