

NOTICE OF SALE

Address: 641 Cimarron Trail
Irving, TX 75063

Property: **Unit 641 and an undivided interest in the General and Limited Common Elements of Tree Top III Condominiums according to the Condominium Declaration for Tree Top III Condominiums recorded in Volume 85056, Page 3797 of the Real Property Records of Dallas County, Texas, and the Supplemental Declaration recorded in Volume 85114, Page 3196, of the Real Property Records of Dallas County, Texas**

Sale Information:

Date of Sale: November 7, 2017

Time of Sale: 1:00 p.m. or within three hours thereafter

Place of Sale: The area outside on the northside of the George Allen Courts Building facing Commerce Street below the overhand or the place designated by the Dallas County Commissioner's Court

Owner: **Jennifer J. Babiak and Jay R. Harrington**

WHEREAS, Owner purchased a unit in the TREE TOP III CONDOMINIUMS subject to the Declaration recorded in Volume 85056, Page 3797 of the Condominium Records of Dallas County, Texas, (referred to hereafter as the "Declaration"), which said Declaration provided for an Assessment Lien; and

WHEREAS, TREE TOP III OWNERS ASSOCIATION, INC. has an Assessment Lien against the property described below by the Declaration; and

WHEREAS, default has occurred in the payment of the assessments pursuant to said declaration and the same are now wholly due, and TREE TOP III OWNERS ASSOCIATION, INC., the owner and holder of the unpaid assessments, has requested the undersigned to sell said property to satisfy said indebtedness.

NOW THEREFORE, NOTICE IS HEREBY GIVEN that on the Date of Sale, I will sell said property and real estate at the Place of Sale to the highest bidder for cash, "AS IS." Purchasers will buy the property at the purchaser's own risk and at his peril, and no representation is made concerning the quality or nature of the title to be acquired. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale except the warranties authorized in the Declaration. There will be no warranty relating to title, possession, quiet enjoyment, or the like for the personal property in this disposition.

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.

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY
MY HAND this 27th day of September, 2017.



Mike D. Gibbs
6440 N. Central Expressway, Ste. 307
Dallas, TX 75206

2017 SEP 28 PM 2:41

FILED

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: 11/07/2017

Time: The sale will begin at **01:00 PM** or not later than three hours after that time

Place: **NORTH SIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

Property Address: 1417 Tempest Drive, Dallas, TX 75217

- 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 10/24/2005 and recorded 11/22/2005 in Document 200503592336, Book --- Page ---, real property records of Dallas County Texas, with Mary Lou Haviland, grantor(s) and Argent Mortgage Company, LLC.
- 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 **Mary Lou Haviland** securing the payment of the indebtedness in the original principal amount of **\$90,000.00**, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. **Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-W4** is the current mortgagee of the note and the deed of trust or contract lien.

FILED
2017 SEP 28 PM 2:07
JOHN F. WARREN
DALLAS COUNTY CLERK
DALLAS COUNTY

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:

Being out of the Solomon Dixon Survey, Abstract No. 407, Dallas County, Texas, and a part of the 21.56 acre tract conveyed by Margaret Freed, et al to Barney Jett, dated March 24, 1963, recorded in Volume 27, Page 2061, Deed Records of Dallas, County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point on the West line of Tempest Drive, said point bears North 89 degrees 55 minutes West, a distance of 262 feet from the West line of Prater Road (60 feet in width) and South 814 feet from the South line of Alexander Road (60 feet in width), said point being the Northeast corner of said Lot 24;

Thence South along the West line of Tempest Drive at 74 feet pass the Southeast corner of Lot 24 and the Northeast corner of Lot 23 in all, a distance of 148 feet, the Southeast corner lot Lot 23;

Thence North 89 degrees 55 minutes West with the South line of lot 23, 101.22 feet the Southwest corner of Lot 23;

Thence North along the East line of the Barney Jett tract and the West line of Lots 23 and 24, 148 feet, the Northwest corner of Lot 24;

Thence South 89 degrees 55 minutes East, 101.22 feet along the North line of Lot 24, to the Place of Beginning and also known as Lots 23 and 24, Section 1 of the Barney Jetts Prater Road Unrecorded Subdivision.

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:

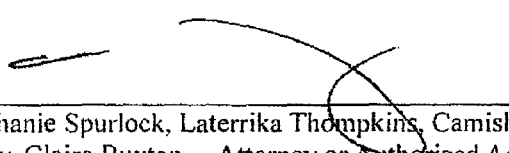
**C/O Ocwen Loan Servicing, LLC
1661 Worthington Rd., Suite 100
West Palm Beach, FL 33409
Phone: 1-800-746-2936**

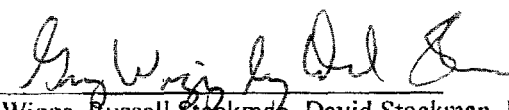
Notice of [Substitute] Trustee Sale

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: September 22, 2017


Stephanie Spurlock, Laterrika 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.

ORIGINAL

NOTICE OF FORECLOSURE SALE

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.

FILED
2011 OCT -3 PM 12:14
JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

Tax Lien Contract/Deed of Trust ("Contract"):

Dated: June 25, 2009

Property Owners/

Grantors: MANUEL LOZADA, JR., and BARBARA M. LOZADA ("Grantors")

Original Trustee: TIMOTHY M. HOCH

Tax Lien Holder/Lender: PROPERTY TAX FIX, LLC ("Lender")

Contract Recorded in: Document No. 200900212993 Official Public Records of Dallas County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of \$10,776.05, executed by MANUEL LOZADA, JR., and BARBARA M. LOZADA ("Borrowers") and payable to the order of the Lender and all other indebtedness of Borrowers to Lender.

Property Address: 1411 WOODY ROAD DALLAS, TX 75217.

Legal Description: LOT 3, BLOCK G/8820 OF HIGHLAND HILLS, AN ADDITION TO THE CITY OF KLEBERG (NOW DALLAS) DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 70081, PAGE 2006, MAP RECORDS, DALLAS COUNTY, TEXAS.

Assignments:

Said Tax Lien Contract, Payment Agreement, and transferred Tax Liens were assigned to Propel Financial Services, LLC by Assignment, recorded as Document No. 201300133727, Official Public Records, Dallas County, Texas.

Said Tax Lien Contract, Payment Agreement, and transferred Tax Liens were assigned to Propel Funding National 1, LLC by Assignment, recorded as Document No. 201600097045, Official Public Records, Dallas County, Texas.

Current Holder: Propel Funding National 1, LLC

Power of Attorney: Limited power of attorney, dated March 31, 2016, from Propel Funding National 1, LLC, appointing Propel Financial Services, LLC, as its Agent and Attorney in Fact.

Substitute Trustee: Matthew J. Countryman

Substitute Trustee's Address: 8526 N. New Braunfels, San Antonio, TX 78217

Substitute Trustee's Phone Number: 210-828-8900

Co-Substitute Trustee: Taylor H. Yarborough

Co-Substitute Trustee's Address: 8526 N. New Braunfels Avenue, San Antonio, TX 78217

Co-Substitute Trustee: Esteban H. Gonzales

Co Substitute Trustee's Address: P.O. Box 600653, Dallas, TX 75360

Foreclosure Sale:

Date: Tuesday, November 7, 2017

Time: This sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.

Place: North Side of the George Allen Courts Building Facing Commerce Street below the overhang, or as designated by the County Commissioners

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Current Holder's bid may be by credit against the indebtedness secured by the lien of the Contract.

Default has occurred in the payment of the Note and in the performance of the obligations of the Contract. Because of that default, Current Holder, the owner and holder of the Note, has requested Substitute Trustee to sell the Property. An order permitting the sale of this Property was obtained in the District Courts of this County, in Cause No. DC-17-05592.

The Contract may encumber both real and personal property. Formal notice is hereby given of Current Holder's election to proceed against and sell both the real property and any personal property described in the Contract in accordance with Current Holder's rights and remedies under the Contract and section 9.604(a) of the TEXAS BUSINESS AND COMMERCE CODE.

Therefore, notice is given that on and at the Date, Time and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, in the Contract, and applicable Texas law.

If Current Holder passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Contract and the TEXAS PROPERTY CODE.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Contract, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any to the extent that they remain in force and effect and have not been subordinated to the Contract. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the property that has been released of public record from the lien and/or security interest of the Contract by Current Holder. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the TEXAS PROPERTY CODE, the Property will be sold "**AS IS,**" **without any expressed or implied warranties, except as to the warranties (if any) provided for under the Contract.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the TEXAS PROPERTY CODE, Substitute Trustee reserves the right to set further conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

Respectfully submitted,

LANE & COUNTRYMAN
8526 N. New Braunfels Avenue
San Antonio, Texas 78217
(210) 828-8900 - Telephone
(210) 804-2339 - Facsimile

By: _____

JOHN R. LANE, JR.

State Bar No. 11879475

johnlane@jrl-law.com

MATTHEW J. COUNTRYMAN

State Bar No.: 24069540

Mcountryman@jrl-law.com

**ATTORNEYS FOR PLAINTIFF,
PROPEL FINANCIAL SERVICES, LLC AS
AGENT AND ATTORNEY IN FACT FOR
PROPEL FUNDING NATIONAL 1, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above *NOTICE OF FORECLOSURE SALE* was served on the following Respondents in accordance with the TEXAS RULES OF CIVIL PROCEDURE in the manner stated below on Thursday, September 14, 2017:

Via Regular USPS and CMRR: 7014 0150 0001 9991 8908

MANUEL LOZADA, JR.
1211 ROSE GARDEN STREET
DALLAS, TX 75217

Via Regular USPS and CMRR: 7014 0150 0001 9991 8892

BARBARA M. LOZADA
1211 ROSE GARDEN STREET
DALLAS, TX 75217

Via Regular USPS and CMRR: 7014 0150 0001 9991 8885

CURRENT OCCUPANT
1411 WOODY ROAD
DALLAS, TX 75217

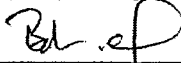
/s/ Matthew J. Countryman
MATTHEW J. COUNTRYMAN

NOTICE OF FORECLOSURE SALE

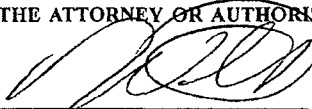
ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

- 1. *Property to Be Sold.* The property to be sold is described as follows: SEE EXHIBIT "A"
- 2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 07/26/2007 and recorded in Document 20070278701 real property records of Dallas County, Texas.
- 3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:
 Date: 11/07/2017
 Time: 01:00 PM
 Place: Dallas County Courthouse, Texas, at the following location: NORTH SIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET OR AS DESIGNATED BY THE COUNTY COMMISSIONERS OFFICE or as designated by the County Commissioners Court.
- 4. *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.
- 5. *Obligations Secured.* The Deed of Trust executed by DONALD W. OATMAN AND RAMONA J. OATMAN, provides that it secures the payment of the indebtedness in the original principal amount of \$108,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MTGLQ INVESTORS, LP is the current mortgagee of the note and deed of trust and RUSHMORE LOAN MANAGEMENT SERVICES, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is MTGLQ INVESTORS, LP c/o RUSHMORE LOAN MANAGEMENT SERVICES, LLC, 15480 Laguna Cyn Road, Suite 100, IRVINE, CA 92618 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. *Substitute Trustee(s) Appointed to Conduct Sale.* In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ, WES WEBB, TRACEY MIDKIFF, KRISTEN WALL, Donna Stockman or David Stockman, Substitute Trustee to act under and by virtue of said Deed of Trust.

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.



 Mackie Wolf Zientz & Mann, P.C.
 Brandon Wolf, Attorney at Law
 L. Keller Mackie, Attorney at Law
 Lori Liane Long, Attorney at Law
 Tracey Midkiff, Attorney at Law
 Marissa Sibal, Attorney at Law
 Parkway Office Center, Suite 900
 14160 North Dallas Parkway
 Dallas, TX 75254



 CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ,
 WES WEBB, TRACEY MIDKIFF, KRISTEN WALL, Donna
 Stockman or David Stockman
 c/o AVT Title Services, LLC
 1101 Ridge Rd, Suite 222
 Rockwall, TX 75087

Certificate of Posting
 I am _____ whose address is c/o AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX 75087. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office of the Dallas County Clerk and caused it to be posted at the location directed by the Dallas County Commissioners Court.

FILED
 2017 SEP 21 PM 3:02
 JOHN F. WARREN
 COUNTY CLERK
 DALLAS COUNTY

EXHIBIT "A"

BEGINNING at a 5/8 inch iron rod found in the North line of Barstow Boulevard 1296.40 feet bearing South 89 deg. 56 min. 00 sec. East of its intersection with the West right-of-way line of Cockrell Hill Road;

THENCE North 89 deg. 56 min. 00 sec. West for a distance of 151.66 feet (Plat = 151.80 feet) to a 5/8 inch iron rod found for corner;

THENCE North 00 deg. 05 min. 41 sec. East (Plat = North) for a distance of 855.16 feet (Plat = 855.30 feet) to a 5/8 inch iron rod found;

THENCE North 89 deg. 50 min. 41 sec. East (Plat = South 89 deg. 46 min. 00 secs. East) for a distance of 151.80 feet to a 5/8 inch iron rod found;

THENCE South 00 deg. 06 min. 03 secs. West (Plat = South) for a distance of 855.74 feet (Plat = 856.10 feet) to the PLACE OF BEGINNING, and containing 2.97 acres of land more or less and being known as "Tract #125, Northcliff" of the unrecorded plat of Oak Cliff Forests Addition.

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R40