

FILED

2017 OCT 17 PM 2:51

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

NOTICE OF ASSESSMENT LIEN SALE

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

WHEREAS, on or about March 7, 2017, a Notice of Lien was filed in the Deed Records of Dallas County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by Jacqueline Stokes, the present owner of said real property, to Castle Hill Estates Owners Association (the "Association"); and

WHEREAS, the said Jacqueline Stokes has continued to default in the payment of its/his/her/their indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owners to the Association;

NOW, THEREFORE, notice is hereby given that on Tuesday, November 7, 2017, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate Outside on the north side of the George Allen Courts Building facing Commerce Street below the overhang, Dallas County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 12:00 o'clock noon, and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

Lot Thirty Three (33), Block A, Castle Hills Estates, an addition to the City of Rowlett, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 20050082, Page 186, Map Records, Dallas County, Texas (3302 Silver Springs Way)

WITNESS my hand this 16 day of October, 2017

CASTLE HILL ESTATES OWNERS ASSOCIATION

By: Jason R. Reed
Jason R. Reed, Substitute Trustee
Riddle & Williams, P.C.
3710 Rawlins Street, Suite 1400
Dallas, Texas 75219

The within notice was posted by me on the 17 day of Oct, 2017, at the Dallas County Courthouse in Dallas, Texas.

[Signature]

CAUSE NO. DC-17-05645

IN RE: ORDER FOR FORECLOSURE
CONCERNING

3302 Silver Springs Way
Rowlett, TX 75089

UNDER TEX. R. CIV. PROC. 736

AND JACQUELINE STOKES

§
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§
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§
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

193RD JUDICIAL DISTRICT

ORDER FOR FORECLOSURE

On May 12, 2017, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **Castle Hill Estates Owners Association** (the "Association"), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association's assessment lien against 3302 Silver Springs Way, Rowlett, Texas 75089, and further described as follows:

Lot Thirty Three (33), Block A, Castle Hills Estates, an addition to the City of Rowlett, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 20050082, Page 186, Map Records, Dallas County, Texas (3302 Silver Springs Way) (hereinafter the "Property").

The Court finds that the Association's Application for Foreclosure complies with Rule 736.1 of the Tex. R. Civ. Proc. and was properly served in accordance with Rule 736.4 of the Tex. R. Civ. Proc. The Court further finds that Respondent has not previously filed a response, and the return of service has been on file with the clerk of the Court for at least 10 days before the date of this Order. The Court finds that the name and last known address of each respondent is as follows:

Jacqueline Stokes
3302 Silver Springs Way
Rowlett, Texas 75089

Pursuant to Rule 736.7 of the Tex. R. Civ. Proc., all facts alleged in the Application for Foreclosure and supported by the affidavit of material facts constitute prima facie evidence of the truth of the matters alleged. The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Declaration of Covenants, Conditions and Restrictions for Castle Hill Estates (the "Declaration"), as corrected and supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Articles 8, 9 & 10 of the Declaration.
5. Article 9, Section 9.1 of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Article 9, Section 9.6 of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
7. During the period of Respondent's ownership, Respondent has been assessed maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.
8. Article 10, Section 10.3 of the Declaration and Texas Property Code 5.006

provide for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.

9. As of May 5, 2017, Respondent is 10 months in default in his/her obligations to the Association for a total of One Thousand Eight Hundred and Forty Two Dollars and Forty Six Cents (\$1,842.46).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated October 25, 2016.
11. A Notice of Lien was filed on or about March 7, 2017 at Instrument No. 201700064949 in the office of the County Clerk of DALLAS, Texas, and Respondent was notified of same by letter dated March 6, 2017.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the March 6, 2017 letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

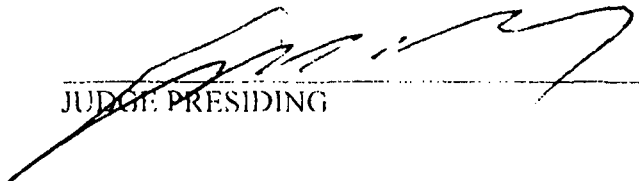
THE COURT THEREFORE GRANTS the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

IT IS THEREFORE ORDERED that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

IT IS FURTHER ORDERED that the Association shall send Respondent a copy of this Order with the notice of foreclosure sale sent to Respondent; and

IT IS FURTHER ORDERED that the Association may communicate with Respondent and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON Sept 27 2017



JUDGE PRESIDING

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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: November 07, 2017

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

Place: THE AREA OUTSIDE ON THE NORTHSIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET BELOW THE OVERHANG OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated March 02, 2007 and recorded in Document CLERK'S FILE NO. 20070110085 real property records of DALLAS County, Texas, with DONALD D. WEIR AND BONNIE J. WEIR, grantor(s) and JPMORGAN CHASE BANK, N.A., mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by DONALD D. WEIR AND BONNIE J. WEIR, securing the payment of the indebtednesses in the original principal amount of \$92,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. Property to Be Sold. The property to be sold is described in the attached Exhibit A.

6. Mortgage Servicer Information. The Mortgage Servicer 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. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
3415 VISION DRIVE
COLUMBUS, OH 43219

MICHAEL D. VESTAL, ROBERT FORSTER, JEFF FLEMING OR LAUREN CHRISTOFFEL
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001

Active Duty Notifications: Special Loans Unit /CHASE Home Lending Attn: SCRA/2210 Enterprise Drive /Florence, SC 29501 /Fax: 843 413 5433/scra.military.orders@chase.com

FILED
2017 OCT 16 PM 2:59
JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY



5800 MIMOSA LANE
ROWLETT, TX 75089

20120177600237
Date of Sale: 11/07/2017

Certificate of Posting

My name is _____, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on _____ I filed at the office of the DALLAS County Clerk and caused to be posted at the DALLAS County courthouse this notice of sale.

Declarants Name: _____
Date: _____



BEING LOT 33, BLOCK 3 OF KENWOOD ADDITION NO.3, AN ADDITION TO THE CITY OF ROWLETT, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 74155, PAGE 2063, MAP RECORDS, DALLAS COUNTY, TEXAS

JPMORGAN CHASE BANK, N.A.,
FORMERLY KNOWN AS
JPMORGAN CHASE BANK,
Plaintiff,

IN THE DISTRICT COURT

v.

DONALD DEAN WEIR, SR.,
DONALD D. WEIR, II, LOUIS
WEIR, PAUL RICHARD WEIR, AND
THE UNKNOWN HEIRS AT LAW
OF BONNIE JEAN WEIR,
DECEASED,
Defendants.

OF DALLAS COUNTY, TEXAS

In Re: 5800 MIMOSA LANE,
ROWLETT, TEXAS 75089

14th JUDICIAL DISTRICT

FINAL JUDGMENT

After considering plaintiff, JPMorgan Chase Bank, N.A., formerly known as JPMorgan Chase Bank's, its successors or assigns, motion for final judgment, pleadings, and evidence on file the Court GRANTS the motion and finds:

1. Citation properly served on defendants according to law and remained on file with the Clerk of this Court for the time prescribed by law.
2. Defendant, Nanette Chance was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Nanette Chance is as follows: 3823 W. 500 N., Fairland, TN 46126.
3. Defendant, Yvette Shykes was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Yvette Shykes is as follows: 2910 Toler Road, Rowlett, Texas 75089.

4. Defendant, Gisele Weir Bissey was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Gisele Weir Bissey is as follows: 4672 FM 68, Wolfe City, Texas 75496.

5. None of the defendants who were personally served are in active military service.

6. Erik Hudak was appointed as attorney ad litem according to TEX. R. CIV. P. 244 for defendants, Louis A. Weir, the unknown heirs-at-law of Donald Dean Weir, Sr., deceased, and the unknown heirs-at-law of Bonnie Jean Weir, deceased served citation by publication.

7. The Loan Agreement between Donald Dean Weir, Sr., Bonnie Jean Weir and the plaintiff is in default and that plaintiff is the beneficiary of that agreement on the property made the basis of this lawsuit.

8. Plaintiff is entitled to the relief sought in plaintiff's original petition. Therefore it is:

ORDERED that:

All of Donald Dean Weir and Bonnie Jean Weir's ("Decedents") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedents' right, title and interest in the real property and improvements commonly known as 5800 Mimosa Lane, Rowlett, Texas 75089 ("Property") and legally described as:

BEING LOT 33, BLOCK 3 OF KENWOOD ADDITION NO.3, AN ADDITION TO THE CITY OF ROWLETT, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 74155, PAGE 203, MAP RECORDS, DALLAS COUNTY, TEXAS

FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated March 2, 2007 and filed under Document Number 20070110085 of the Official Public Records of Dallas County, Texas.

FURTHER ORDERED that this judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROC. CODE § 51.002.

FURTHER ORDERED that a copy of this judgment shall be sent to defendants with the notice of the date, time, and place of the foreclosure sale.

FURTHER ORDERED that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale also be mailed to counsel by certified mail.

FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

FURTHER ORDERED that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

IT IS FURTHER ORDERED that the Interlocutory Default Judgment against defendant, Paul Richard Weir, signed on June 22, 2015 is incorporated into this judgment.

IT IS FURTHER ORDERED that the Interlocutory Default Judgment against defendant, Donald D. Weir, II, signed on August 18, 2015 is incorporated into this judgment.

FURTHER ORDERED that as part of the costs of court, and payable by plaintiff, Erik Hudak, the Attorney Ad Litem is granted the sum of \$ 1,350⁰⁰ and discharged as Ad Litem in this cause.

FURTHER ORDERED that all other costs of court are taxed against the party incurring same.

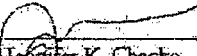
All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this 31 day of March, 2017.


PRESIDING JUDGE

APPROVED AS TO FORM & SUBSTANCE: APPROVED AS TO FORM ONLY:


Jennifer K. Chacko
State/Bar No.: 24082482
4004 Belt Line Road, Ste. 100
Addison, Texas 75001
(972) 341-5321
(972) 341-0734 (Facsimile)
JenniC@bdfgroup.com

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3821 Peach Street
Enless, TX 76040
(817) 733-6644
(817) 502-9897 (fax)
erik@erikhudaklaw.com

ATTORNEY AD LITEM

ShowBarcode = YES
Posting Date = 10/16/2017
County = DALLAS / 00057