

### 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:** 04/02/2019

**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 COMMISSIONERS  
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:** 3437 Mapledale Circle, Farmers Branch, TX 75234

**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 03/16/1998 and recorded 03/27/1998 in Book 98060 Page 02882 Document 86033, real property records of Dallas County, Texas, with **James D. Caldwell, jr., and spouse, Nancy J. Caldwell** grantor(s) and MORTGAGE PORTFOLIO SERVICES, INC. as Lender, THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-SP2 as Beneficiary.

**4. Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint **CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ, MICHAEL D. VESTAL, WES WEBB, KRISTEN WALL, Donna Stockman or David Stockman**, Substitute Trustee to act under and by virtue of said Deed of Trust.

**5. Obligation Secured:** Deed of Trust or Contract Lien executed by **James D. Caldwell, jr., and spouse, Nancy J. Caldwell**, securing the payment of the indebtedness in the original principal amount of \$73,250.00, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-SP2** is the current mortgagee of the note and deed of trust or contract lien.

BY \_\_\_\_\_

JOHN E. WARREN  
COUNTY CLERK  
DALLAS COUNTY

2019 FEB 28 AM 9:57

FILED

TS No.: 2019-00464-TX  
18-000916-673

### 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 THREE (3), IN BLOCK SIX (6), TOWN NORTH ESTATES, AN ADDITION TO THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 39, PAGE 19, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.**

**8. 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. **Ocwen Loan Servicing, LLC**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

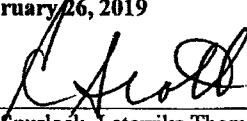
**C/O Ocwen Loan Servicing, LLC  
1661 Worthington Rd., Suite 100  
West Palm Beach, FL 33409  
Phone: 1-800-746-2936**

**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:** February 26, 2019



Stephanie Spurlock, Laterrika Thompkins, Camisha Scott, Iman Walcott, Tanesha Humphrey, Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

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



CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ, MICHAEL D. VESTAL, WES WEBB, KRISTEN WALL, Donna Stockman or David Stockman - Substitute Trustee(s)

C/O AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

**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.**

**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**

**NOTICE OF FORECLOSURE SALE**

March 11, 2019

2019 MAR 11 AM 11:48

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
BY \_\_\_\_\_ DEPUTY

Deed of Trust ("Deed of Trust"):

- Dated: January 12, 2018
- Grantor: Adolfo J. Figueroa and Elly Margarita Figueroa
- Trustee: Geoff J. Henley
- Lender: SKS Associates Inc.
- Recorded in: Document No. 201800014802 of the real property records of Dallas County, Texas
- Secures: Promissory Note ("Note") in the original principal amount of \$248,520.00, executed by Adolfo J. Figueroa and Elly Margarita Figueroa ("Borrower") and payable to the order of Lender
- Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto

Substitute Trustee: Dennis F. Houfek

Substitute Trustee's  
Address: P.O. Box 260326, Plano, Texas 75026

**Foreclosure Sale:**

Date: Tuesday, April 2, 2019

Time: The 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 courthouse facing Commerce Street below the overhang

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 Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any

personal property described in the Deed of Trust in accordance with [Lender's rights and remedies under the Deed of Trust 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, the Deed of Trust, and applicable Texas law.

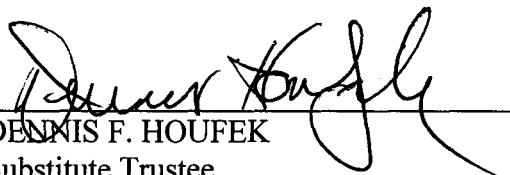
If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, 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 Deed of Trust. 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 Deed of Trust by Lender. 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 Deed of Trust. 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 reasonable 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.

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DENNIS F. HOUFEK  
Substitute Trustee  
[houfeklaw@verizon.net](mailto:houfeklaw@verizon.net)  
P.O. Box 260326  
Plano, Texas 75026  
(214) 724-0629

**LOT 2, IN BLOCK 9 OF VALLEY VIEW ESTATES NO. 2, AN ADDITION TO THE TOWN OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, PER MAP THEREOF RECORDED IN VOLUME 21, PAGE 239, MAP RECORDS OF DALLAS COUNTY, TEXAS**

(Commonly known as 2908 Selma Lane, Farmers Branch, Texas 75234)

**EXHIBIT A**