

FILED  
2018 DEC 10 AM 10:46  
JOHN E. WARREN  
COUNTY CLERK  
BY DALLAS COUNTY

C&S No. 44-17-4960 / Reverse Mortgage / No / FILE NOS  
Rushmore Loan Management Services, LLC

### NOTICE OF 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. Sender is: Codilis & Stawiarski, PC, 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060**

Date of Security Instrument: August 20, 2009

**Grantor(s):** Jean R. Sutton, an unmarried woman  
**Original Trustee:** Alan E. South, Attorney at Law  
**Original Mortgagee:** Urban Financial Group  
**Recording Information:** Clerk's File No. 200900245533, in the Official Public Records of DALLAS County, Texas.  
**Current Mortgagee:** U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT  
**Mortgage Servicer:** Rushmore Loan Management Services, LLC, whose address is C/O 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618 Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property.

**Legal Description:**  
BEING LOT 1, BLOCK 2, OF SATURN ESTATES, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 49, PAGE 193, MAP RECORDS, DALLAS COUNTY, TEXAS.

**Date of Sale:** 01/02/2019 Earliest Time Sale Will Begin: 1:00 PM

### APPOINTMENT OF SUBSTITUTE TRUSTEE

**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.**

**WHEREAS, the undersigned hereby APPOINTS AND DESIGNATES Shelley Ortolani as Substitute Trustee, Mary Mancuso as Successor Substitute Trustee, Robert Ortolani as Successor Substitute Trustee, Michele Hreha as Successor Substitute Trustee, David Stockman as Successor Substitute Trustee, Brenda Wiggs as Successor Substitute Trustee, Denise Boerner as Successor Substitute Trustee, Guy Wiggs as Successor Substitute Trustee, Donna Stockman as Successor Substitute Trustee, Tim Lewis as Successor Substitute Trustee, Michelle Schwartz as Successor Substitute Trustee, Francesca Ortolani as Successor Substitute Trustee, Kathy Arrington as Successor Substitute Trustee, or Thomas Delaney as Successor Substitute Trustee or Lisa Cockrell as Successor Substitute Trustee**

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above, or within three (3) hours after that time. 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.



4678334

Place of Sale of Property: The foreclosure sale will be conducted in the area designated by the DALLAS County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

Executed on this the 6th day of December, 2018.

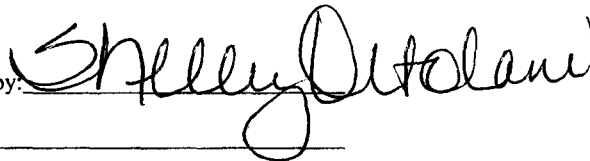
**For Information:**

"Servicelink Default Abstract Solutions  
1320 Greenway Drive, Suite 300  
Irving, TX 75038



Nicole M. Bartee, Attorney at Law  
Codilis & Stawiarski, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Posted and filed by:



Printed Name: \_\_\_\_\_

C&S No. 44-17-4960 / Reverse Mortgage / No  
Rushmore Loan Management Services, LLC

**Notice of Trustee's Sale**

**FILED**

2018 DEC 11 PM 3:02

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

Date: December 10, 2018

Trustee: Gaylene Rogers Lonergan  
12801 N. Central Expressway, Suite 150, Dallas, TX 75243

Lender: SLP Villa, Inc.

Note: Promissory Note dated June 29, 2018, in the original principal amount of \$50,000.00, executed by Antonnio Maldonado

**Deed of Trust**

Date: June 29, 2018

Grantor: Antonnio Maldonado

Lender: SLP Villa, Inc.

**Recording information:**

Recorded under Instrument Number 201800177619, in the County Clerk's Records, Dallas County, Texas.

Property: 580 Gatewood Road, Garland, TX 75218 more particularly described as:

BEING all that certain lot, tract or parcel of land situated on Gatewood Road in the City of Garland, Texas, and being part of Lots 12 & 13 of ROSE HILL ACREAGE HOMESITES, an addition to the City of Garland, as recorded in Volume 7, Page 13 of the Map and Plat Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the West corner of said Lot 13, said West corner being on the Southwest Right-of-way ("ROW") line of Gatewood Road (50 foot ROW) and also the North corner of Lot 14 of said ROSE HILL ACREAGE HOMESITES;

THENCE North 45° 12' 00" East with said Southeast ROW of Gatewood Road 133.06 feet to iron stake for corner and PLACE OF BEGINNING;

THENCE North 45° 12' 00" East with said Southeast ROW of Gatewood Road 41.94 feet to the most Northerly corner of Lot 13 of said ROSE HILL ACREAGE HOMESITES continuing for a total distance of 142.95 feet to centerline of a drainage ditch for corner, iron stake bearing South 45° 12' 00"

West 15.00 feet set on a bank of said drainage ditch;

THENCE South 44° 14' 00" East with centerline of said drainage ditch 165.0 feet to a point for corner;

THENCE South 45° 12' 00" West parallel to said Gatewood Road, passing iron stake at 15 feet set on the bank of said drainage and continuing across the Lot line of Lots 12 and 13 of said ROSE HILL ACREAGE HOMESITES and continuing for a total distance of 142.95 feet to iron stake set for corner;

THENCE North 44° 14' 00" West parallel to the Lot line between Lots 12 and 13 and with said drainage ditch, 165.0 feet to a PLACE OF BEGINNING and containing 23,587 square feet of land, more or less.

County: Dallas

Date of Sale: January 1, 2019

Time of Sale: 1:00 p.m.

Place of Sale: At the North Side of the George Allen Courts Building, located at 600 Commerce Street, Dallas, Texas 75202 facing Commerce Street below the overhang, or as otherwise designated by the County Commissioners

Gaylene Rogers Lonergan is the appointed Trustee by Lender under the Deed of Trust and Lender has instructed Trustee to offer the Property for sale toward the satisfaction of the Note.

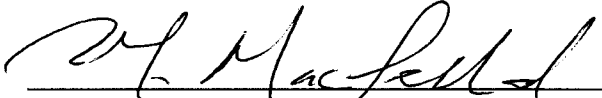
Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

  
GAYLENE ROGERS LONERGAN

STATE OF TEXAS

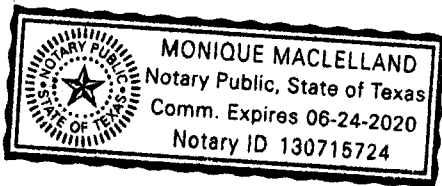
COUNTY OF DALLAS

This instrument was acknowledged before me on this 10<sup>th</sup> day of December, 2018,  
by GAYLENE ROGERS LONERGAN, Trustee.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires:

\_\_\_\_\_  
Print/Typed Name of Notary



**ATTENTION SERVICE MEMBERS:**

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, or if you have recently been discharged from active military duty, please send written notice of the active duty military service to the sender of this notice immediately.

Robert Keith Slaughter  
334 Meadowcreek Lane  
Garland, Texas 75043  
Our file #0118-047F

**NOTICE OF TRUSTEE'S SALE**

WHEREAS, on June 12, 2006, Robert Keith Slaughter executed a Deed of Trust conveying to NETCO, a Trustee, the Real Estate hereinafter described, to secure Centex Home Equity Company, LLC in the payment of a debt therein described, said Deed of Trust being recorded in Instrument number 200600224596 in the Real Property Records of Dallas County, Texas; and

WHEREAS, The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust, the street address for the substitute trustees is 1126 W. Gray, Houston, Texas 77019; and

WHEREAS, Default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the undersigned to sell said property to satisfy said indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Wednesday, January 2, 2019, the foreclosure sale will be conducted in Dallas County in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted. The trustee's sale will be conducted no earlier than 1:00 PM and must be concluded within three hours of such starting time. Said sale shall be to the highest bidder for cash.

Said Real Estate is described as Follows: In the County of Dallas, State of Texas:

**BEING LOT 2, IN BLOCK 3, IN MEADOWCREEK PARK, SIXTH SECTION, AN ADDITION IN THE CITY OF GARLAND, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 70013 PAGE 1595 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.**

Nationstar Mortgage LLC is the mortgage servicer for the mortgagee of the Deed of Trust. Nationstar Mortgage LLC and the mortgagee have entered into an agreement granting Nationstar Mortgage LLC authority to service the mortgage. Nationstar Mortgage LLC, as mortgage servicer, is representing the Mortgagee under a servicing agreement with the Mortgagee (the "Servicing Agreement"). The name of the Mortgagee is The Bank of New York Mellon as trustee for Nationstar Home Equity Loan Trust 2006-B. Pursuant to the Servicing Agreement, Nationstar Mortgage LLC is granted authority to collect and service the debt associated with the Deed of Trust. Under Section 51.0025 of the Texas Property Code, Nationstar Mortgage LLC, as mortgage servicer, is authorized to administer any resulting foreclosure of the property covered by the Deed of Trust on behalf of the Mortgagee. The Mortgagee's address is c/o the mortgage servicer, Nationstar Mortgage LLC, 8950 Cypress Waters Blvd., Coppell, TX 75019.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit 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.**

Substitute and Successor Substitute Trustees are identified below.

HARVEY LAW GROUP

*Kelly J. Harvey*  
\_\_\_\_\_  
Kelly J. Harvey, Texas State Bar No. 09180150

Attorneys for Mortgagee and Mortgage Servicer  
Date: *12-10-18*

*Shelley Ortolani*  
\_\_\_\_\_  
Shelley Ortolani, Substitute Trustee, or

Michele Hreha, Successor Substitute Trustee, or

**FILED**

2018 DEC 11 AM 10:50

BY *JOHN F. WARREN*  
COUNTY CLERK  
DALLAS COUNTY  
DEPUTY

**Robert Ortolani, Successor Substitute Trustee, or  
Mary Mancuso, Successor Substitute Trustee, or  
Francesca Ortolani, Successor Substitute Trustee, or  
Shelley Ortolani, Successor Substitute Trustee, or  
Mary Mancuso, Successor Substitute Trustee, or  
Michele Hreha, Successor Substitute Trustee, or  
Francesca Ortolani, Successor Substitute Trustee, or  
Robert Ortolani, Successor Substitute Trustee, or  
Michelle Schwartz, Successor Substitute Trustee, or  
Guy Wiggs, Successor Substitute Trustee, or  
David Stockman, Successor Substitute Trustee, or  
Brenda Wiggs, Successor Substitute Trustee, or  
Denise Boerner, Successor Substitute Trustee, or  
Donna Stockman, Successor Substitute Trustee, or  
Tim Lewis, Successor Substitute Trustee, or  
Kathy Arrington, Successor Substitute Trustee**

**Notice sent by:  
HARVEY LAW GROUP  
P.O. Box 131407  
Houston, Texas  
77219  
Tel.: (832) 922-4000  
Fax: (832) 922-6262**

CAUSE NO. DC-18-06682

<b>IN RE ORDER FOR FORECLOSURE CONCERNING</b>  <b>334 MEADOWCREEK LANE, GARLAND, TEXAS 75043</b>  <b>UNDER TEX. R. CIV. PROC. 736</b>	§ § § § § § §	<b>IN THE DISTRICT COURT OF</b>  <b>DALLAS COUNTY, TEXAS</b>  <b>44th JUDICIAL DISTRICT</b>
---	---------------------------------	---

**ORDER TO PROCEED WITH NOTICE OF FORECLOSURE SALE  
AND FORECLOSURE**

Came on for consideration the Application for Order Allowing Foreclosure filed by The Bank of New York Mellon as trustee for Nationstar Home Equity Loan Trust 2006-B (“Petitioner”) for Order for Foreclosure pursuant to Rule 736 of the Texas Rules of Civil Procedure. The Court is of the opinion that said application should be GRANTED.

The Court finds that the return of service has been on file for at least 10 days and that this is an *in rem* proceeding.

Pursuant to Rule 736.8(b), the Court further finds that the Petitioner has established the basis for the foreclosure and that:

- (1) the material facts establishing the basis for foreclosure are as follows:
  - a monetary default of the subject Note exists;
  - on November 10, 2017, the Applicant gave the Respondent(s) proper Notice of Default;
  - the default was not cured and the Note was accelerated on February 15, 2018; and
  - the loan is due for the September 1, 2017 payment and all subsequent payments.

(2) The property to be foreclosed is commonly known as 334 Meadowcreek Lane, Garland, Texas 75043 (the “Property”) which has the following legal description:

**BEING LOT 2, IN BLOCK 3, IN MEADOWCREEK PARK, SIXTH SECTION, AN ADDITION IN THE CITY OF GARLAND, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME**



70013 PAGE 1595 OF THE MAP RECORDS OF DALLAS COUNTY,  
TEXAS.

(3) The name and last known address of each respondent subject to this Order is/are:

- Robert Keith Slaughter, 334 Meadowcreek Lane, Garland, Texas 75043.

(4) The Security Instrument to be foreclosed is recorded or indexed under Instrument number 200600224596 of the real property records of Dallas County, Texas.

IT IS THEREFORE ORDERED that the Applicant may proceed with foreclosure of the Property pursuant to TEX. PROP. CODE § 51.002 and the subject Security Instrument.

SIGNED this 19<sup>th</sup> day of July, 2018.

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

Approved As To Form And Entry Requested:

HARVEY LAW GROUP

By: 

Kelly J. Harvey

SBN: 09180150

Kelly@kellyharvey.com

Jerry W. Mason

SBN: 24081794

Jerry@kellyharvey.com

P.O. Box 131407

Houston, Texas 77219

Tel. (832) 922-4000

Fax. (832) 922-6262

ATTORNEYS FOR PETITIONER

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND  
NOTICE OF SUBSTITUTE TRUSTEE 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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

**APPOINTMENT OF  
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate David Garvin, Jack Beckman, Michelle Schwartz, Kelly Goddard, Shelley Ortolani, Mary Mancuso, Robert Ortolani, Michele Hreha, Guy Wiggs, David Stockman, Brenda Wiggs, Denise Boerner, Donna Stockman, Tim Lewis, Brett Baugh, John Beazley, Kenny Shirey, Rick Montgomery, Craig Muirhead, Aaron Parker, Clay Golden, Robert Aguilar, Brent Graves, Wendy Lambert, Troy Robinett, Terry Waters, Matt Hansen, Frederick Britton, Shawn Schiller, Logan Thomas, Kathy Arrington, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S  
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;  
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE  
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on January 02, 2019 between the hours of 11am - 2pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

**LOCATION OF SALE:**

The place of the sale shall be: THE OUTSIDE AREA ON THE NORTHSIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET BELOW THE OVERHANG. in DALLAS County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE  
FORECLOSED:**

Deed of Trust or Contract Lien dated 07/14/2005 and recorded under Volume, Page or Clerk's File No. Instrument number 3442734 Book 2005143 Page 8479 in the real property records of Dallas County Texas, with Lisa Y Williams, a Single Person as Grantor(s) and Option One Mortgage Corporation as Original Mortgagee.

**OBLIGATIONS SECURED:**

Deed of Trust or Contract Lien executed by Lisa Y Williams, a Single Person securing the payment of the indebtedness in the original principal amount of \$21,580.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by LISA Y WILLIAMS. Park Tree Investments 12, LLC is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGEE:**

Park Tree Investments 12, LLC is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. Park Tree Investments 12, LLC's address is:

Park Tree Investments 12, LLC  
c/o FCI Lender Services Inc  
PO Box 27370  
Anaheim, CA 92809

2018 DEC 11 PM 12:39  
JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

FILED

**LEGAL DESCRIPTION OF PROPERTY TO BE SOLD:** BEING LOT 36, BLOCK 4 OF LA PRADA NO. 6 AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 77215, PAGE 548 MAP RECORDS DALLAS COUNTY, TEXAS (the "Property")

**REPORTED PROPERTY ADDRESS:** 5729 Drexel Dr, Garland, TX 75043

**TERMS OF SALE:** The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Mortgagee and/or Mortgage Servicer thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).


The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this 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.**


Signed on the 15 day of November, 2014

Respectfully,

JACK O'BOYLE & ASSOCIATES

  
\_\_\_\_\_  
Jack O'Boyle | SBN: 15165300

[jack@jackoboyle.com](mailto:jack@jackoboyle.com)

 Travis H. Gray | SBN: 24044965

[travis@jackoboyle.com](mailto:travis@jackoboyle.com)

\_\_\_\_\_  
Chris S. Ferguson | SBN: 24069714

[chris@jackoboyle.com](mailto:chris@jackoboyle.com)

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE  
SERVICER

**NOTICE OF ASSESSMENT LIEN 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.**

STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

**KNOW ALL MEN BY THESE PRESENTS:**

WHEREAS, on the 30<sup>th</sup> day of March, 2016, a Notice of Lien was filed of record at Document No. 201600083116, in the Official Public Records of Dallas County, Texas, covering the real property herein described, concerning default in payment of the indebtedness owing by **MIGUEL ANGEL MONTIEL**, the present owner of said real property, to Trails Home Owners Association I (the "Association"); and

WHEREAS, on February 15, 2017, the Association obtained an Agreed Order to Proceed With Notice of Foreclosure Sale and Foreclosure Sale in the 95<sup>th</sup> Judicial District Court of Dallas County, Texas, in Cause No. DC-16-09456. A true and correct copy of said Order is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the said **MIGUEL ANGEL MONTIEL** has continued to default in the payment of the 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 owner to the Association.

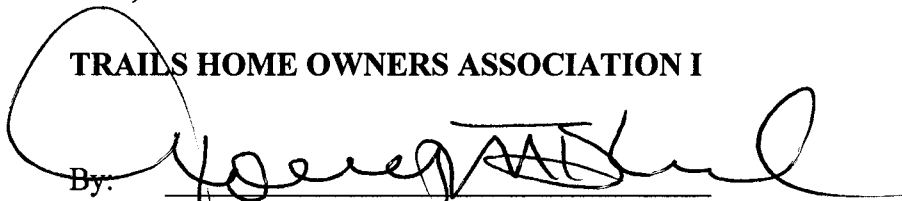
NOW, THEREFORE, notice is hereby given that on Wednesday, the 2<sup>nd</sup> day of January, 2019, between 10:00 o'clock a.m. and 4:00 o'clock p.m., the Association will sell said real estate in the area outside on the North side of the George Allen Courts Building facing Commerce Street below the overhang, 600 Commerce Street, Dallas, 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 10:00 o'clock a.m., and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

**SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.**

Witness my hand this 7<sup>th</sup> day of December, 2018.

**TRAILS HOME OWNERS ASSOCIATION I**

By: 

Robert M. Blend  
Duly Authorized Agent  
14131 Midway Road, Suite 1240  
Addison, Texas 75001

This notice was posted by me on the 7<sup>th</sup> day of December, 2018, on the posting board at the George Allen Courts Building at 600 Commerce Street in Dallas, Texas.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

**FILED**  
8 DEC -7 PM 3:58  
JOHN E. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
DEPUTY

EXHIBIT "A"



CAUSE NO. DC-16-09456

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING	§	
	§	
6106 SPYGLASS LANE	§	
GARLAND, TEXAS 75043-5625	§	DALLAS COUNTY, T E X A S
	§	
UNDER TEX. R. CIV. PROC. 736	§	
	§	
AND MIGUEL ANGEL MONTIEL	§	95 <sup>th</sup> JUDICIAL DISTRICT

**AGREED ORDER TO PROCEED WITH NOTICE OF FORECLOSURE SALE AND FORECLOSURE SALE**

On this day, the 15<sup>th</sup> of Feb, <sup>2017</sup>~~2016~~, came on to be considered the Application of Trails Homeowners Association I, (the "Association") for Expedited Foreclosure Proceeding seeking an order against Miguel Angel Montiel, (the "Respondent"), pursuant to Rule 736 of the Texas Rules of Civil Procedure to foreclose the Association's assessment lien against 6106 Spyglass Lane, Garland, Texas 75043, which is more particularly described as follows:

LOT 3, BLOCK 1, THE TRAILS, SECOND INSTALLMENT, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE REVISED MAP OR PLAT THEREOF RECORDED IN VOLUME 73117, PAGE 1720, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, and having the street address of 6106 Spyglass Lane, Garland, Texas.

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 the Respondent is as follows:

Mr. Miguel Angel Montiel  
6106 Spyglass Lane  
Garland, Texas 75043

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 First Amended and Restated Declaration of Covenants and Restrictions for The Trails (Part B), filed of record as Instrument No. 199600330616, in Volume 96033, Page 2694, Deed Records, Dallas County, Texas (the "Declaration"), as such may be corrected and/or 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 Section 9 of Article V of the Declaration.
5. 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.
6. As of June 21, 2016, Respondent was at least 8 months in default in his obligations to the Association for a total of One Thousand Eight Hundred One and No/100 Dollars (\$1,801.00).
7. Section 9 of Article V of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges to the Association. Section 9 of Article V of the Declaration provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
8. The foreclosure of such lien is subject to the provisions of Tex. R. Civ. Proc. 735.1(c) and Texas Property Code 209.0092.
9. Section 9 of Article V of the Declaration, and Texas Property Code 5.006, provide for the recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
10. The Association afforded Respondent thirty (30) days to cure the default pursuant to a letter dated November 11, 2015, and such opportunity to cure the default has expired.
11. A Respondent was notified of amount due and unpaid by a notice letter dated December 18, 2015.

12. Respondent requested a payment plan and such was approved and therefore a payment plan letter was sent to Respondent on February 16, 2016.
13. The Respondent defaulted on such payment plan, therefore, a Notice of Lien was sent for recording to the County Clerk of Dallas County, Texas, at Instrument No. 201600083116, and Respondent was notified of such by letter dated March 23, 2016.
14. Prior to filing the Application, the Association performed all action 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 Declaration and Section 51.002 of the Texas Property Code; 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.

This order is not subject to a motion for rehearing, new trial, bill of review, or 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 on this 15<sup>th</sup> day of Feb, 2017.

  
JUDGE PRESIDING



Approved:

**ASSOCIATION**

/s/ Robert M. Blend  
Robert M. Blend  
Attorney for Petitioner

**RESPONDENT**

By: Miguel Montiel  
Miguel Angel Montiel  
6106 Spyglass Lane  
Garland, Texas 75043

**EXHIBIT "B"**

LOT 3, BLOCK 1, THE TRAILS, SECOND INSTALLMENT, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE REVISED MAP OR PLAT THEREOF RECORDED IN VOLUME 73117, PAGE 1720, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, and having the street address of 6106 Spyglass Lane, Garland, Texas.