

Our File Number: 18-14939

Name: ERICA MICKLES AKA ERICA L MICKLES AND PHILLIP K MICKLES

**NOTICE OF TRUSTEE'S SALE**

WHEREAS, on May 23, 2011, ERICA MICKLES AKA ERICA L. MICKLES AND PHILLIP K MICKLES, executed a Deed of Trust/Security Instrument conveying to ROY C. JOHNSON, as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR UNITED SECURITY FINANCIAL, its successors and assigns, in the payment of a debt therein described, said Deed of Trust/Security Instrument being recorded under County Clerk Number 201100142399, 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 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/Security Instrument; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on TUESDAY, JUNE 4, 2019, between ten o'clock AM and four o'clock PM and beginning not earlier than 1:00 PM or not later than three hours thereafter, I will sell said Real Estate at the George Allen Courts Building, 600 Commerce Street, Dallas, TX 75202, in DALLAS COUNTY, TEXAS to the highest bidder for cash. The sale will be conducted in the area of the Courthouse 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 in the area immediately adjacent (next) to the location where this notice was posted.

Said Real Estate is described as follows:

BEING LOT SIXTY-TWO (62), BLOCK Q OF WINDSOR PARK-PHASE ONE (1), AN ADDITION TO THE CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS, ACCORDING TO THE REVISED PLAT THEREOF RECORDED IN VOLUME 88205, PAGE 233, MAP RECORDS, DALLAS COUNTY, TEXAS.

Property Address: 1216 WEAVER ST  
CEDAR HILL, TX 75104

Mortgage Servicer: LOANCARE, LLC


Noteholder: MID AMERICA MORTGAGE, INC.  
3637 SENTARA WAY, SUITE 303  
VIRGINIA BEACH, VA 23452

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.

**ACTIVE MILITARY SERVICE NOTICE**

**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 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.**

WITNESS MY HAND this 8 day of May, 2019.



Guy Wiggs, David Stockman, Brenda Wiggs,  
Donna Stockman, Denise Boerner, Tim Lewis,  
Russell Stockman, Michelle Schwartz, Kathy  
Arrington, Substitute Trustees

c/o Marinosci Law Group, P.C.  
14643 Dallas Parkway, Suite 750  
Dallas, Texas 75254  
(972) 331-2300

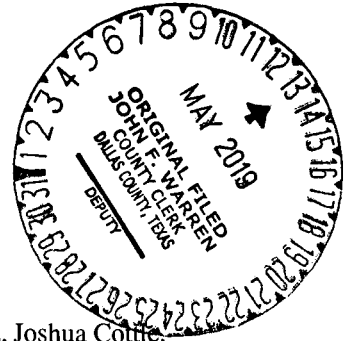
FILED

2019 MAY -8 AM 11:50

JOHN E. WARREN  
COUNTY CLERK  
DALLAS COUNTY

BY \_\_\_\_\_ DEPUTY

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**



**Date:** May 9, 2019

**Substitute Trustee:** Jennifer A. Crabtree, J. Todd Weber, Gary Thornton, John R. Resendez, Joshua Cottle, Teresa L. Woods, or Michael Fleming

**Substitute Trustee's Address:**

100 W. Houston St.  
San Antonio, Texas 78205  
Bexar County

**Beneficiary:** FROST BANK f/k/a THE FROST NATIONAL BANK

**Beneficiary's Address:**

100 W. Houston St.  
San Antonio, Texas 78205  
Bexar County

**Promissory Note (the "Note"):**

**Date:** March 12, 2008  
**Principal:** \$16,500.00  
**Maker:** JOYCE M. LAWSON and MARVIN EADS  
**Payee/Holder:** FROST BANK f/k/a THE FROST NATIONAL BANK

**Deed of Trust:**

**Date:** March 12, 2008  
**Grantor:** JOYCE M. LAWSON and MARVIN EADS  
**Mortgagee:** FROST BANK f/k/a THE FROST NATIONAL BANK

**Recording information:** Recorded as Instrument 20080106994 in the Official Public Records of Dallas County, Texas.

**Property To Be Sold:** The property to be sold (the "Property") is described as follows:

LOT 3, IN BLOCK 44, OF STONEWOOD HEIGHTS PHASE I, REVISED, AN ADDITION TO THE CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS ACCORDING TO THE REVISED MAP THEREOF RECORDED IN VOLUME 85241, PAGE 3064, OF THE MAP RECORDS, OF DALLAS COUNTY, TEXAS. The Property is commonly known as 608 COX ST, CEDAR HILL, TX 75104 (the "Property").

FILED  
2019 MAY 13 PM 2:40  
BY JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

**Date, Time, and Place of Sale:** The sale is scheduled to be held at the following date, time, and place:

**Date:** June 4, 2019

**Time:** The sale shall begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 p.m.

**Place:** The area outside on the North side of the George Allen Courts Building, 600 Commerce St., Dallas, TX, facing Commerce St., below the overhang, or as designated by the County Commissioners.

**Terms of Sale:** Notice is given that on the Date of Sale, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS". THERE IS NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PROPERTY IN THIS DISPOSITION.

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 other matters of record affecting the Property, if any. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of any such matters.

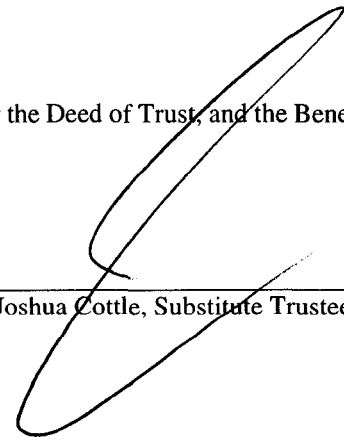
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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

Questions concerning the sale may be directed to the undersigned or to the Beneficiary at:

Dywane W. Shirley  
Frost Bank f/k/a The Frost National Bank  
100 W. Houston St.  
San Antonio, Texas 78205  
Telephone: (210) 220-5352

**Default and Request To Act:** Default has occurred under the Deed of Trust, and the Beneficiary has requested the Substitute Trustee to conduct this sale.

DATED May 9, 2019.

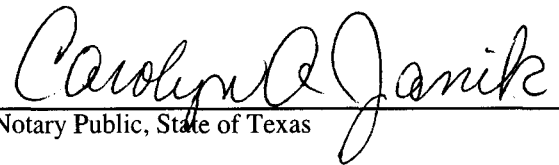
  
\_\_\_\_\_  
Joshua Cottle, Substitute Trustee

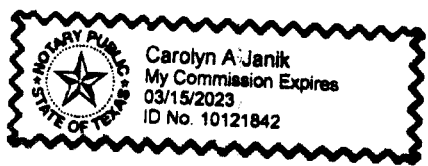
STATE OF TEXAS §

§

COUNTY OF BEXAR §

This instrument was acknowledged before me on this day, May 9, 2019, by Joshua Cottle, Substitute Trustee.

  
\_\_\_\_\_  
Notary Public, State of Texas



910 DAWSON ST, CEDAR HILL, TX, 75104  
10409.0097

FILED

2019 MAY 13 AM 11:06

JOHN F. WARREN  
COUNTY CLERK

**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, Marv 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, Vanessa McHaney, Phillip Pierceall, Cary Corenblum, Francesca Ortolani, 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 June 04, 2019 between the hours of [REDACTED] 11am - 2pm (FS) [REDACTED] 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 02/10/2007 and recorded under Volume, Page or Clerk's File No. INSTRUMENT NO. 20070068926 in the real property records of Dallas County Texas, with CASSANDRA KIM FRANCIS, A SINGLE WOMAN as Grantor(s) and FIRST NLC FINANCIAL SERVICES, LLC, DBA THE LENDING CENTER as Original Mortgagee.

**OBLIGATIONS SECURED:**

Deed of Trust or Contract Lien executed by CASSANDRA KIM FRANCIS, A SINGLE WOMAN securing the payment of the indebtedness in the original principal amount of \$110,400.00 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 CASSANDRA KIM FRANCIS. WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR BROUGHAM FUND I TRUST is the current mortgagee (the "Mortgage") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING  
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 property

securing the above referenced loan. BSI Financial Services is acting as the Mortgage Servicer for WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR BROUGHAM FUND I TRUST who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. BSI Financial Services, as Mortgage Servicer, is representing the Mortgagee, whose address is:

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR BROUGHAM FUND I TRUST  
c/o BSI Financial Services  
314 S FRANKLIN STREET, TITUSVILLE, PA 16354

**LEGAL DESCRIPTION OF PROPERTY TO BE SOLD:**

LOT 13, BLOCK F, HIGHLANDS NORTH, AN ADDITION TO THE CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 85080, PAGE 1005, MAP RECORDS, DALLAS COUNTY, TEXAS (the "Property")

**REPORTED PROPERTY ADDRESS:**

910 DAWSON ST, CEDAR HILL, TX 75104

**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 refiled 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 1 day of May, 2019.

Respectfully,

JACK O'BOYLE & ASSOCIATES

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

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

  
Travis H. Gray | SBN: 24044965

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

Chris S. Ferguson | SBN: 24069714

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

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE  
SERVICER



4. The property that is the subject of this foreclosure proceeding is commonly known as 910 DAWSON ST CEDAR HILL TX 75104 with the following legal description:

LOT 13, BLOCK F, HIGHLANDS NORTH, AN ADDITION TO THE CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 85080, PAGE 1005, MAP RECORDS, DALLAS COUNTY, TEXAS

5. The lien to be foreclosed is indexed or recorded at Number INSTRUMENT NO. 20070068926, and recorded in the real property records of Dallas County, Texas.

6. 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.

7. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.

8. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner, its successors and assigns, may foreclose on the lien described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.

9. 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 this 26<sup>th</sup> day of April, 2019.

  
HONORABLE JUDGE PRESIDING



**SUBMITTED BY:**

JACK O'BOYLE & ASSOCIATES

  
\_\_\_\_\_  
Travis H. Gray | SBN 24044965  
travis@jackoboyle.com

\_\_\_\_\_  
Chris S. Ferguson | SBN 24069714  
chris@jackoboyle.com

\_\_\_\_\_  
Jack O'Boyle | SBN 15165300  
jack@jackoboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0643

ATTORNEYS FOR PETITIONER

## 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 OR 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: BEING LOT 33, BLOCK 5 OF WATERFORD OAKS GARDEN HOMES PHASE IV, AN ADDITION TO THE CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 86091, PAGE 1589, MAP RECORDS, DALLAS COUNTY, RECORDED IN VOLUME 86102, PAGE 1852, AND FILED AUGUST 8, 1986, RECORDED IN VOLUME 80154, PAGE 6167, DEED RECORDS OF DALLAS COUNTY, TEXAS.

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 04/22/2004 and recorded in Document 2878891 real property records of Dallas County, Texas. Re-filed in Document 2878890 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: 06/04/2019

Time: 01:00 PM

Place: Dallas County, 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 LOU TYLER, provides that it secures the payment of the indebtedness in the original principal amount of \$96,800.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R6 is the current mortgagee of the note and deed of trust and OCWEN LOAN SERVICING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R6 c/o OCWEN LOAN SERVICING, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

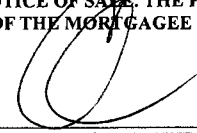
**6. Order to Foreclose.** DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R6 obtained a Order from the US District Court, Northern District on 05/09/2008 under Cause No. DC-07-13819. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

**7. 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, 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.

**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  
Chelsea Schneider, Attorney at Law  
Ester Gonzales, Attorney at Law  
Parkway Office Center, Suite 900  
14160 North Dallas Parkway  
Dallas, TX 75254



CARL NIENDORFF, L. KELLER MACKIE, MICHAEL W. ZIENTZ, MICHAEL D. VESTAL, WES WEBB, KRISTEN WALL, Donna Stockman or David Stockman  
c/o AVT Title Services, LLC  
5177 Richmond Avenue Suite 1230  
Houston, TX 77056

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
2019 MAY 14 PM 3:39  
FILED

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

2019 MAY 14 5 PM 2:48

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
PROPERTY

**NOTICE OF SUBSTITUTE TRUSTEE'S NON-JUDICIAL FORECLOSURE SALE**

**STATE OF TEXAS**

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**COUNTY OF DALLAS**

**WHEREAS**, by that certain Deed of Trust dated as of February 18, 2005, executed by The Terraces at Cedar Hill, LLC f.k.a. The Terraces, Inc. ("Grantor"), to Brad Durham, Trustee, for the benefit of Independent Bank of Texas, predecessor-in-interest to Veritex Community Bank, N.A., the current owner and holder of the aforementioned Deed of Trust and the Note secured thereby ("Lender"), filed for record as Document Number 200503254178 in the deed records of Dallas County, Texas (the "Deed of Trust") and any and all addendums and/or modifications to such Deed of Trust, which are incorporated herein for all purposes, Grantor conveyed to the Trustee certain property situated in Dallas County, Texas (the "Property"), which Property includes the real property, the improvements thereon as described in the Deed of Trust, said real property being all that certain tract or parcel of land situated in Dallas County, Texas, more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes, to secure the repayment of that certain Promissory Note dated on or about February 18, 2005, in the original principal amount of \$675,000.00, executed by Grantor as Maker and payable to the order of Lender, and all renewals, extensions and modifications thereto (the "Note"), and any and all other indebtedness secured by and described in the Deed of Trust; and

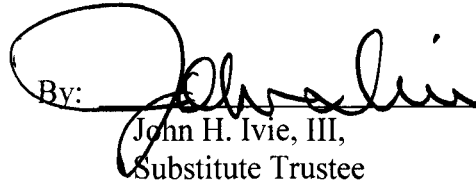
**WHEREAS**, by instrument entitled Appointment of Substitute Trustee, the Lender, the beneficiary of the Note and Deed of Trust, appointed John H. Ivie, III, Katherine M. Thompson, or Christopher C. Collie, whose street address is 1401 Burnham Drive, Plano, TX 75093, as Substitute Trustee;

**WHEREAS**, default has occurred under the terms of the Note secured by the Deed of Trust, and the outstanding principal balance, together with accrued but unpaid interest and other sums owed pursuant to the Note and Deed of Trust (the "Indebtedness"), is now wholly due and payable; and

**WHEREAS**, the owner and holder of said Note has requested the undersigned to sell all personalty located on the Property in accordance with the terms and provisions of Article 9 of the Texas Business and Commerce Code. The sale of the personalty will be held at the same time and place as the above described real property sale; however, for purposes of determining the scope of this sale conducted pursuant to this paragraph, all personalty and improvements located on the Property shall be deemed realty to the extent permitted by the Deed of Trust and the laws of the State of Texas.

**NOW, THEREFORE, NOTICE IS HEREBY GIVEN** that on June 4, 2019, no earlier than 10:00 o'clock a.m., nor later than 1:00 o'clock p.m., I, as substitute trustee under the Deed of Trust, will sell the Property and all of the components thereof and all personalty located on the Property in the area designated by the Commissioner's Court of Dallas County, Texas, to the highest bidder for cash (the "Sale").

EXECUTED this 14<sup>th</sup> day of May, 2019.

By:   
John H. Ivie, III,  
Substitute Trustee

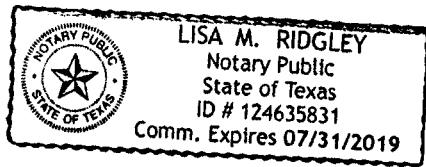
STATE OF TEXAS

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COUNTY OF COLLIN

This Notice of Substitute Trustee's Non-Judicial Foreclosure Sale was acknowledged before me on this 14<sup>th</sup> day of May, 2019, by John H. Ivie, III, Substitute Trustee, who acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 14<sup>th</sup> day of May, 2019.



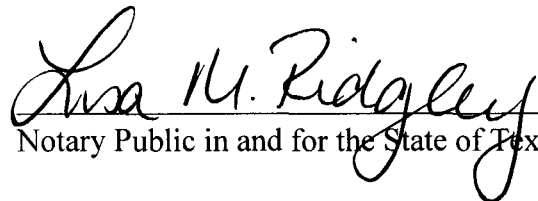
  
Notary Public in and for the State of Texas

Exhibit "A"

**Legal Description of Real Property**

**TRACT I:**

**BEING a 13.57 acre tract of land situated in the YOUNG E. BROWN SURVEY, ABSTRACT NO. 124, in the City of CEDAR HILL, DALLAS County, Texas, and being all of a tract of land conveyed to Behrooz Khademazad and wife, Thora Khademazad, as Tracts I and a portion of Tract II, by deed recorded in Volume 2000221, Page 05802, of the Deed Records of DALLAS County, Texas, and being more particularly described as follows:**

**BEGINNING at a ½ inch iron rod found for the Northeast corner of said Khademazad Tract II, same being the Southeast corner of a tract of land conveyed to Little Bethel Memorial Park by deed recorded in Volume 93139, Page 2788, of the Deed Records of DALLAS County, Texas, same being in the Northwest right-of-way line of North Cedar Hill Road (a 60.0' right-of-way);**

**THENCE South 41 degrees 52 minutes 37 seconds West, along the common line of said Khademazad Tract II, and the Northwest right-of-way line of said North Cedar Hill Road, a distance of 351.94 feet to a ½ inch iron rod found for corner;**

**THENCE North 36 degrees 22 minutes 00 seconds West, through the interior of said Khademazad Tract II, a distance of 15.32 feet to a ½ inch iron rod set for corner;**

**THENCE North 03 degrees 15 minutes 00 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 35.36 feet to a ½ inch iron rod set for corner;**

**THENCE North 48 degrees 15 minutes 00 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 38.88 feet to a ½ inch iron rod set for corner;**

**THENCE North 36 degrees 05 minutes 44 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 154.09 feet to a ½ inch iron rod found for corner;**

**THENCE South 12 degrees 10 minutes 09 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 14.21 feet to a ½ inch iron rod found for corner;**

**THENCE South 57 degrees 57 minutes 21 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 8.75 feet to a ½ inch iron rod found for corner, said point being in a curve to the right having a radius of 115.00 feet, and a delta angle of 08 degrees 15 minutes 19 seconds;**

**THENCE continuing through the interior of said Khademazad Tract II, and along said curve to the right, an arc distance of 16.57 feet, and a chord bearing and distance of South 61 degrees 01 minutes 25 seconds West, 16.56 feet to a ½ inch iron rod found for corner;**

**THENCE North 36 degrees 22 minutes 32 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 557.31 feet to ½ inch iron rod found for corner;**

**THENCE North 80 degrees 54 minutes 23 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 211.20 feet to a ½ inch iron rod set for corner;**

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**THENCE North 75 degrees 31 minutes 59 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 331.06 feet to a ½ inch iron rod set for corner, said point being in the Southeast right-of-way line of the G.C. & S.F. Railroad (a 100.0' right-of-way), said point being in a curve to the right having a radius of 2815.02 feet and a delta angle of 01 degrees 57 minutes 06 seconds;**

**THENCE along the common line of said Khademazad Tract II, and the Southeast right-of-way line of the said G.C. & S.F. Railroad, and along said curve to the right, an arc distance of 95.88 feet, and a chord bearing and distance of North 33 degrees 12 minutes 17 seconds East 95.88 feet to a 5/8 inch iron rod found for corner;**

**THENCE North 33 degrees 51 minutes 21 seconds East, along the common line of said Khademazad Tract II, and the Southeast right-of-way line of the said G.C. & S.F. Railroad, passing the most Westerly Northwest corner of said Khademazad Tract II, and the most Westerly Southwest corner of said Khademazad Tract I, and continuing along common line of said Khademazad Tract I, and the Southeast right-of-way line of the said G.C. & S.F. Railroad, a distance of 675.61 feet to a ½ inch iron rod found for corner, said point being the Northwest corner of said Khademazad Tract I, same being the Southwest corner of said Little Bethel Memorial Park tract;**

**THENCE South 36 degrees 22 minutes 00 seconds East, along the common line of said Khademazad Tract I, and said Little Bethel Memorial Park tract, a distance of 1385.33 feet to the POINT OF BEGINNING and containing 591.256 square feet or 13.57 acres of computed land.**

**TRACT II:**

**BEING a 8.14 acre tract of land situated in the YOUNG E. BROWN SURVEY, ABSTRACT NO. 124, in the City of CEDAR HILL, DALLAS County, Texas, a portion of Tract II as conveyed to Behrooz Khademazad and wife, Thora Khademazad, by deed recorded in Volume 2000221, Page 05802, of the Deed Records of DALLAS County, Texas. and being more particularly described as follows:**

**COMMENCING at a ½ inch iron rod found for the Northeast corner of said Khademazad Tract II, same being the Southeast corner of a tract of land conveyed to Little Bethel Memorial Park by deed recorded in Volume 93139, Page 2788, of the Deed Records of DALLAS County, Texas, same being in the Northwest right-of-way line of North Cedar Hill Road (A 60.0' right-of-way);**

**THENCE South 41 degrees 52 minutes 37 seconds West, along the common line of said Khademazad Tract II, and the Northwest right-of-way line of said North Cedar Hill Road, a distance of 351.94 feet to a ½ inch iron rod set for the POINT OF BEGINNING;**

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**THENCE South 41 degrees 52 minutes 37 seconds West, continuing along the common line of said Khademazad Tract II, and the Northwest right-of-way line of said North Cedar Hill Road, a distance of 288.67 feet to a ½ inch iron rod found for corner, said point being the most Easterly Southeast corner of said Khademazad Tract II, same being the Northeast corner of a tract of land conveyed to Don W. Martin;**

**THENCE North 36 degrees 22 minutes 50 seconds West, along the common line of said Khademazad Tract II, and said Martin tract, a distance of 231.12 feet to a ½ inch iron rod found for corner, said point being the Northwest corner of said Martin tract, same being an interior corner of said Khademazad Tract II;**

**THENCE South 41 degrees 44 minutes 10 seconds West, along the common line of said Khademazad Tract II, and said Martin tract, a distance of 104.00 feet to a ½ inch iron rod found for corner, said point being the Southwest corner of said Martin tract, same being the most Westerly Southeast corner of said Khademazad Tract II, same being in the Northeast line of a tract of land conveyed to Robert M. Gallagher by deed recorded in Volume 2000070, Page 5441, of the Deed Records of DALLAS County, Texas;**

**THENCE North 36 degrees 20 minutes 40 seconds West, along the common line of said Khademazad Tract II, and said Gallagher tract, passing the Northwest corner of said Gallagher tract, and the Northeast corner of a tract of land conveyed to James R. Coots and Judy C. Coots by deed recorded in Volume 86162, Page 3957, of the Deed Records of DALLAS County, Texas, and continuing along the common line of said Khademazad Tract II, and said Coots tract, a distance of 1042.94 feet to a 1 inch iron pipe found for corner, said point being the Southwest corner of said Khademazad Tract II, same being the Northwest corner of said Coots tract, same being in the Southeast right-of-way line of the G.C. & S.F. Railroad (a 100.0' right-of-way), said point being in a curve to the right having a radius of 2815.02 feet, and a delta angle of 00 degrees 03 minutes 54 seconds;**

**THENCE along the common line of said Khademazad Tract II, and the Southeast right-of-way line of the said G.C. & S.F. Railroad, and along said curve to the right, an arc distance of 3.19 feet, and a chord bearing and distance of North 32 degrees 11 minutes 49 seconds East 3.19 feet to a ½ inch iron rod set for corner;**

**THENCE South 75 degrees 31 minutes 59 seconds East, through the interior of said Khademazad Tract II, a distance of 331.06 feet to a ½ inch iron rod set for corner;**

**THENCE South 80 degrees 54 minutes 23 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 211.20 feet to a ½ inch iron rod set for corner;**

**THENCE South 36 degrees 22 minutes 32 seconds West, continuing through the interior of said Khademazad Tract II, a distance of 557.31 feet to a ½ inch iron rod set for corner, said point being in a curve to the left having a radius of 115.00 feet and a delta angle of 08 degrees 15 minutes 19 seconds;**

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**THENCE continuing through the interior of said Khademazad Tract II, and along said curve to the right, an arc distance of 16.57 feet, and a chord bearing and distance of North 61 degrees 01 minutes 25 seconds East, 16.56 feet to a ½ inch iron rod found for corner;**

**THENCE North 57 degrees 57 minutes 21 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 8.75 feet to a ½ inch iron rod set for corner;**

**THENCE North 12 degrees 10 minutes 09 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 14.21 feet to a ½ inch iron rod set for corner;**

**THENCE South 36 degrees 05 minutes 44 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 154.09 feet to a ½ inch iron rod set for corner;**

**THENCE South 48 degrees 15 minutes 00 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 38.88 feet to a ½ inch iron rod set for corner;**

**THENCE South 03 degrees 15 minutes 00 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 35.36 feet to a ½ inch iron rod set for corner;**

**THENCE South 36 degrees 22 minutes 00 seconds East, continuing through the interior of said Khademazad Tract II, a distance of 15.32 feet to the POINT OF BEGINNING and containing 354,632 square feet or 8.14 acre of computed land.**

**NOW KNOWN AS:**

**Lots 1-13, Block A, THE TERRACES ADDITION, an addition to the City of Cedar Hill, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2005158, Page 61, Plat Records, Dallas County, Texas.**

**SAVE AND EXCEPT FOR:**

**Lot 2, Block A, THE TERRACES ADDITION, an addition to the City of Cedar Hill, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2005158, Page 61, Plat Records, Dallas County, Texas.**

**Lot 4, Block A, THE TERRACES ADDITION, an addition to the City of Cedar Hill, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2005158, Page 61, Plat Records, Dallas County, Texas.**

**Lot 5, Block A, THE TERRACES ADDITION, an addition to the City of Cedar Hill, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2005158, Page 61, Plat Records, Dallas County, Texas.**

**Lot 6, Block A, THE TERRACES ADDITION, an addition to the City of Cedar Hill, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2005158, Page 61, Plat Records, Dallas County, Texas.**



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**Lot 10, Block A, THE TERRACES ADDITION, an addition to the City of Cedar Hill, Dallas County, Texas, according to the map or plat thereof, recorded in Volume 2005158, Page 61, Plat Records, Dallas County, Texas.**