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## NOTICE OF FORECLOSURE SALE

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**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.**

**Deed of Trust ("Deed of Trust"):**

**Effective Date:** January 13, 2017

**Property Owner:** AMI- MANCHESTER, LLC ("Grantor" or "Borrower")

**Original Trustee:** MATTHEW J. COUNTRYMAN ("Trustee")

**Lender** SMITHLINE FAMILY TRUST I and SMITHLINE FAMILY TRUST II (collectively "Lender")

**Deed of Trust Recorded in:** Document No. 201700053341, Official Records of Dallas County, Texas.

**Secures:** The repayment of the indebtedness evidenced by certain 15% Senior Secured Notes (the "Notes") dated effective on the 13<sup>th</sup> day of January in the original aggregate principal sum of ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00) by and between Lender and Borrower with interest on the unpaid principal balance at the rate stated therein.

**Property Address:** 1 Bretton Woods Way, Dallas, Texas 75220.

**Legal Description:** See Exhibit A.

**Current Holder:** SMITHLINE FAMILY TRUST I and SMITHLINE FAMILY TRUST II

**Original Trustee:** Matthew J. Countryman

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

**Phone Number:** 210-828-8900

**Foreclosure Sale:**

**Date:** Tuesday, May 7, 2019

**Time:** This sale of the Property will be held between the hours of 10:00 a.m. and

FILED  
2019 APR -5 PM 12:54  
JOHN E. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
PROPERTY

SELECT PORTFOLIO SERVICING, INC. (SPS)  
WARD, ARTURO  
1002 PARKWOOD DRIVE, CEDAR HILL, TX 75104

CONVENTIONAL  
Firm File Number: 19-032832

### **NOTICE OF TRUSTEE'S SALE**

WHEREAS, on January 12, 2005, ARTURO S. WARD AND BRENDA WARD, HUSBAND AND WIFE., as Grantor(s), executed a Deed of Trust conveying to LINDA MARTINEZ, as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR FINANCE AMERICA, LLC in payment of a debt therein described. The Deed of Trust was filed in the real property records of DALLAS COUNTY, TX and is recorded under Clerk's File/Instrument Number 3209179 Volume 2005011, Page 02438, to which reference is herein made for all purposes.

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 contingency and in the manner authorized by said Deed of Trust; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **Tuesday, May 7, 2019** between ten o'clock AM and four o'clock PM and beginning not earlier than 10:00 AM or not later than three hours thereafter, I will sell said Real Estate in the area designated by the Commissioners Court, of Dallas 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 of Trustee's Sale was posted.

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

LOT 18, BLOCK D, WOODED CREEK ESTATE, PHASE 1, ACCORDING TO MAP OR PLAT THEREOF  
RECORDED IN VOLUME 2003168, PAGE 227, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

Property Address:	1002 PARKWOOD DRIVE CEDAR HILL, TX 75104
Mortgage Servicer:	SELECT PORTFOLIO SERVICING, INC.
Noteholder:	U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA, SUCESSOR IN INTEREST TO LASALLE BANK NATIONAL ASSOCIATION, ON BEHALF OF THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC, ASSET-BACKED CERTIFICATES, SERIES 2005-HE3 3217 S. DECKER LAKE DR. SALT LAKE CITY, UTAH 84119

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.

  
SUBSTITUTE TRUSTEE

Shelley Ortolani, Michele Jreha, Robert Ortolani or Mary Mancuso or Francesca Ortolani  
c/o Shapiro Schwartz, LLP  
13105 Northwest Freeway, Suite 1200  
Houston, TX 77040  
(713)462-2565

**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 military service to the sender of this notice immediately.**

4:00 p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 p.m.

**Place:** The area designated by the Dallas County Commissioners Court as the official location for real property foreclosure sales.

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

Default has occurred in the payment of the Notes and in the performance of the obligations of the Deed of Trust. Because of that default, Current Holder, the owner and holder of the Notes, 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 Current Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Current Holder'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, in the Deed of Trust, and applicable Texas law.

If Current Holder passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the 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 Current Holder. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the TEXAS PROPERTY CODE, the Property will be sold "**AS IS,**" **without any expressed or implied warranties, except as to the warranties (if any) provided for under the 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 conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.


Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve

component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

Respectfully submitted,

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

By:

  
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**MATTHEW J. COUNTRYMAN**  
State Bar No.: 24069540  
[Mcountryman@jrl-law.com](mailto:Mcountryman@jrl-law.com)  
**ATTORNEYS FOR SMITHLINE**  
**FAMILY TRUST I and SMITHLINE**  
**FAMILY TRUST II**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above *NOTICE OF FORECLOSURE SALE* was served on the following Respondents in accordance with the TEXAS RULES OF CIVIL PROCEDURE in the manner stated below on March 29, 2019, to:

**Via Certified Mail, RRR 7018-0680-0000-2004-2620**

**Via 1<sup>st</sup> Class US Mail**

AMI- MANCHESTER, LLC  
c/o Vincent Henderson  
17951 W. Austin Road  
Manchester, Michigan 48158-8668

**Via First Class Mail and**

**Via Certified Mail, RRR 7018-0680-0000-2004-2613**

CURRENT OCCUPANT  
1 BRETTON WOODS WAY  
DALLAS, TEXAS 75220

**/s/ Matthew J. Countryman**

**MATTHEW J. COUNTRYMAN**