

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

2013-123  
FILED FOR RECORD  
AT 2:00 O'CLOCK P.M.  
JUL 15 2013

DEED OF TRUST INFORMATION:

**Date:** 07/11/2005  
**Grantor(s):** HELEN DIXON, ROSA DIXON  
**Original Mortgagee:** MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS  
NOMINEE FOR RESMAE MORTGAGE CORPORATION, ITS SUCCESSORS,  
AND ASSIGNS  
**Original Principal:** \$50,000.00  
**Recording Information:** Book 1769 Page 402 Instrument 00007063  
**Property County:** Navarro  
**Property:**

SHERREY BOWD  
COUNTY CLERK, NAVARRO COUNTY, TEXAS  
DEPUTY

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE CITY FROST, NAVARRO COUNTY, TEXAS, AND BEING PART OF WHAT IS COMMONLY KNOWN AS BLOCK 4 OF SANDERS ADDITION, THE PLAT THEREOF BEING RECORDED IN VOLUME 110, PAGE 490 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED IN DEED FROM ROBERT ROBINSON AND WIFE, MARGARET A. ROBINSON TO ROSA DIXON AND DAUGHTER, HELEN DIXON RECORDED IN VOLUME 1703, PAGE 250 OF THE OFFICIAL PUBLIC RECORDS OF NAVARRO COUNTY, TEXAS. SAID LOT, TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD SET AT THE NORTHEAST CORNER OF THE DIXON TRACT, THE NORTHWEST CORNER OF THE MARK HILL TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 1228, PAGE 123 OF THE OPRNCT AND IN THE SOUTH LINE OF STATE HIGHWAY 22;

THENCE, S 20 DEGREES 08' 00" E (REFERENCE BEARING), 140.90 FEET ALONG THE COMMON LINE OF THE DIXON AND HILL TRACTS TO A 1/2" IRON ROD FOUND IN THE NORTH LINE OF A 20 FOOT ALLEY;

THENCE, S 81 DEGREES 58' 18" W, 115.16 FEET ALONG THE NORTH LINE OF THE ALLEY TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF THE SHELLY WISCARSON 0.31 ACRE TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 1389, PAGE 630 OF THE OPRNCT;

THENCE, N 20 DEGREES 04' 36" W, 140.12 FEET ALONG THE COMMON LINE OF THE DIXON AND WISCARSON TRACTS TO A 1/2" IRON ROD FOUND IN THE SOUTH LINE OF HWY. 22;

THENCE, N 81 DEGREES 36' 12" E, 114.86 FEET ALONG THE SOUTH LINE OF HWY. 22 TO THE POINT OF BEGINNING AND CONTAINING 0.36 ACRES OF LAND MORE OR LESS.

**Reported Address:** 408 EAST HIGHWAY 22, FROST, TX 76641

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

**Current Mortgagee:** HSBC Bank USA, National Association, as Indenture Trustee of the FBR Securitization Trust 2005-4, Mortgage-Backed Notes, Series 2005-4

**Mortgage Servicer:** JPMorgan Chase Bank, National Association

**Current Beneficiary:** HSBC Bank USA, National Association, as Indenture Trustee of the FBR Securitization Trust 2005-4, Mortgage-Backed Notes, Series 2005-4

**Mortgage Servicer Address:** PO Box 1015238, Columbus, OH 43219

SALE INFORMATION:

**Date of Sale:** Tuesday, the 6th day of August, 2013

**Time of Sale:** 11:00AM or within three hours thereafter.

**Place of Sale:** AT THE FRONT STEPS OF THE COURTHOUSE in Navarro County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Navarro County Commissioner's Court.

**Substitute Trustee(s):** Randy Daniel or Cindy Daniel or Jim O'Bryant, Cristina Camarata, Hayden Hooper, Sammy Hooda, Robert Henry or Adam Womack, any to act

**Substitute Trustee Address:** 9441 LBJ Freeway, Suite 250, Dallas, TX 75243

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Randy Daniel or Cindy Daniel or Jim O'Bryant, Cristina Camarata, Hayden Hooper, Sammy Hooda, Robert Henry or Adam Womack, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current

Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Randy Daniel or Cindy Daniel or Jim O'Bryant, Cristina Camarata, Hayden Hooper, Sammy Hooda, Robert Henry or Adam Womack, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Very truly yours,

Buckley Madole, P.C.

FILED

CAUSE NUMBER D13-22214-CV

IN RE: ORDER FOR FORECLOSURE  
CONCERNING

408 EAST HIGHWAY 22  
FROST, TX 76641

UNDER TEX. R. CIV. PROC. 736

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2013 JUN 28 PM 4:51  
IN THE DISTRICT COURT

JOSHUA B. TACKETT  
DISTRICT CLERK  
NAVARRO COUNTY, TX

13TH JUDICIAL DISTRICT OF DEPUTY

NAVARRO COUNTY, TEXAS

DEFAULT ORDER ALLOWING FORECLOSURE

HSBC Bank USA, National Association, as Indenture Trustee of the FBR Securitization Trust 2005-4, Mortgage-Backed Notes, Series 2005-4, Petitioner, on behalf of itself, its successors and assigns, has brought before this Court for consideration its Application for Court Order Allowing Foreclosure of a Lien Under Texas Constitution article 16, section 50(a)(6)(D) (Application). Having considered the evidence presented, the Court finds that:

1. the Application complies with Rule 736.1;
2. the Application was properly served in accordance with Rule 736.3;
3. a respondent did not file a response to the Application by the due date; and
4. the return of service has been on file with the Clerk of the Court for at least 10 days; and
5. Petitioner has established the basis for foreclosure and the Court finds that:
  - (a) Petitioner is the holder of a Texas Home Equity Note secured by a lien created under Texas Constitution article XVI, section 50(a)(6). A debt exists.
  - (b) Installment payments have not been made when due and owing pursuant to the terms of the Note and Deed of Trust.

(c) The obligation secured by the lien sought to be foreclosed is in default.

(d) The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and the opportunity to cure has expired. Before the Application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

IT IS THEREFORE ORDERED that:

1. HSBC Bank USA, National Association, as Indenture Trustee of the FBR Securitization Trust 2005-4, Mortgage-Backed Notes, Series 2005-4 together with its successors and assigns, is hereby authorized to serve Notice of Sale upon each Respondent and may proceed with a foreclosure sale in accordance with the security agreement and Texas Property Code section 51.002 concerning the property with a commonly known mailing address of 408 East Highway 22, Frost, TX 76641 and legal description as described in the Real Property Records of Navarro County, Texas as follows:

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE CITY FROST, NAVARRO COUNTY, TEXAS, AND BEING PART OF WHAT IS COMMONLY KNOWN AS BLOCK 4 OF SANDERS ADDITION, THE PLAT THEREOF BEING RECORDED IN VOLUME 110, PAGE 490 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED IN DEED FROM ROBERT ROBINSON AND WIFE, MARGARET A. ROBINSON TO ROSA DIXON AND DAUGHTER, HELEN DIXON RECORDED IN VOLUME 1703, PAGE 250 OF THE OFFICIAL PUBLIC RECORDS OF NAVARRO COUNTY, TEXAS. SAID LOT, TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESSCRIBED AS FOLLOWS:

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THENCE, S 20 DEGREES 08' 00" E (REFERENCE BEARING), 140.90 FEET ALONG THE COMMON LINE OF THE DIXON AND HILL TRACTS TO A 1/2" IRON ROD FOUND IN THE NORTH LINE OF A 20 FOOT ALLEY;

THENCE, S 81 DEGREES 58' 18" W, 115.16 FEET ALONG THE NORTH LINE OF THE ALLEY TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF THE SHELLY WISCARSON 0.31 ACRE TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 1389, PAGE 630 OF THE OPRNCT;

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THENCE, N 81 DEGREES 36' 12" E, 114.86 FEET ALONG THE SOUTH LINE OF HWY. 22 TO THE POINT OF BEGINNING AND CONTAINING 0.36 ACRES OF LAND MORE OR LESS.

2. The name and last known address of each respondent subject to the order are:

Helen Dixon, Respondent, whose last known address is  
10510 Six Pines Dr., Apt. 5104, SPRING, TX 77380-0944

Rosa Dixon, Respondent, whose last known address is  
10510 Six Pines Dr., Apt. 5104, Spring, TX 77380-0944.

3. The recording or indexing information of each lien to be foreclosed is as follows:

Book 1769, Page 402, Instrument Number 00007063.

4. A conformed copy of an Order Allowing Foreclosure must be attached to the trustee or substitute trustee's foreclosure deed in accordance with Rule 736.12

of the Texas Rules of Civil Procedure.

5. Petitioner may communicate with each Respondent and all third parties as reasonably necessary to conduct a foreclosure sale.

6. Notice of Foreclosure Sale must be mailed to Respondent's counsel by certified mail if Respondents are represented by counsel.

Signed, this 28<sup>th</sup> day of June, 2013.

ORIGINAL SIGNED BY  
JAMES LAGOMARSINO  
\_\_\_\_\_  
Judge Presiding

Return to:

BUCKLEY MADOLE, P.C.  
Attn: Home Equity Department  
9441 LBJ Freeway, Suite 250  
Dallas, Texas 75243  
Fax: 972-643-6699