

2014 57

FILED FOR RECORD

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE AT 11:30 O'CLOCK A.M.

MAR 31 2014

DEED OF TRUST INFORMATION:

Date: 10/27/2007
Grantor(s): BRIAN P. ZIELINSKI
Original Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, NOMINEE FOR 1ST ADVANTAGE MORTGAGE, L.L.C. D/B/A 1 AM L.L.C., ITS SUCCESSORS AND ASSIGNS
Original Principal: \$104,000.00
Recording Information: Instrument 00011072
Property County: Navarro
Property:

SHERRY DOWD
COUNTY CLERK NAVARRO COUNTY, TEXAS
BY SOLELY AS DEPUTY

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE ENOCH FRIER SURVEY, ABSTRACT 3, NAVARRO COUNTY, TEXAS, BEING PART OF LOT 20 OF RETREAT RANCHETTES, PHASE II, AS SHOWN BY PLAT RECORDED IN VOLUME 6, PAGE 313 AND 314 OF THE PLAT RECORDS OF NAVARRO COUNTY, TEXAS, THE SAME BEING PART OF A CALLED 24.99 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 1781, PAGE 258 OF THE DEED RECORDS OF SAID COUNTY. SAID TRACT OR PARCEL OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF THE ABOVE MENTIONED LOT 20 LOCATED IN THE CENTERLINE OF COUNTY ROAD NO. SW0014; WITNESS: N69 DEG. 09' 12" E 30.1 FEET, A FOUND 1/2" IRON ROD;

THENCE WITH THE SAID CENTERLINE N 00 DEG. 51' 00" E 387.63 FEET AND N 06 DEG 33' 48" E 25.92 FEET TO THE NORTHWEST CORNER OF THIS TRACT; WITNESS: N 69 DEG. 06' 36" E 27.6 FEET, A SET 1/2" IRON ROD. WITNESS: S 39 DEG. 40' 21" E 35.4 FEET, A FOUND 1" IRON PIPE.

THENCE N 69 DEG. 06' 36" E 1703.17 FEET TO A SET 1/2" IRON ROD FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 01 DEG. 14' 36" W 414.92 FEET TO A SET 1/2" IRON ROD FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE S 69 DEG. 09' 12" W 1702.36 FEET TO THE PLACE OF BEGINNING AND CONTAINING 15.0 ACRES OF LAND OF WHICH 0.26 ACRES LIES WITHIN SAID ROAD.

Reported Address: 3061 SW COUNTY ROAD 0014, CORSICANA, TX 75110

MORTGAGE SERVICING INFORMATION:

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

Current Mortgagee: Ocwen Loan Servicing, LLC
Mortgage Servicer: Ocwen Loan Servicing, LLC
Current Beneficiary: Ocwen Loan Servicing, LLC
Mortgage Servicer Address: 1661 Worthington Rd, Suite 100, West Palm Beach, FL 33409

SALE INFORMATION:

Date of Sale: Tuesday, the 6th day of May, 2014
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, Sammy Hooda, Michael Burns, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act
Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

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, Sammy Hooda, Michael Burns, Alexander Wolfe, Suzanne Suarez 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, Sammy Hooda, Michael Burns, Alexander Wolfe, Suzanne Suarez 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

2013 DEC 12 PM 3:15

CAUSE NUMBER C13-22577-CV

IN RE: ORDER FOR FORECLOSURE
CONCERNING

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JOSHUA D. TACKETT
DISTRICT CLERK
IN THE COUNTY COURT
[Signature]

3061 SW COUNTY ROAD 0014
CORSICANA, TX 75110

AT LAW

UNDER TEX. R. CIV. PROC. 736

NAVARRO COUNTY, TEXAS

DEFAULT ORDER ALLOWING FORECLOSURE

OneWest Bank, FSB, 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 and/or Rule 106;
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. OneWest Bank, FSB 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 3061 SW County Road 0014, Corsicana, TX 75110 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 SITUATED IN THE ENOCH FRIER SURVEY, ABSTRACT 3, NAVARRO COUNTY, TEXAS, BEING PART OF LOT 20 OF RETREAT RANCHETTES, PHASE II, AS SHOWN BY PLAT RECORDED IN VOLUME 6, PAGE 313 AND 314 OF THE PLAT RECORDS OF NAVARRO COUNTY, TEXAS, THE SAME BEING PART OF A CALLED 24.99 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 1781, PAGE 258 OF THE DEED RECORDS OF SAID COUNTY. SAID TRACT OR PARCEL OF LAND BEING

MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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

Brian P. Zielinski, Respondent, whose last known address is
3061 SW CR 0018, Corsicana, TX 75110-9257.


3. The recording or indexing information of each lien to be foreclosed is as follows: Instrument Number 00011072.

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 17 day of December, 2013



Judge Presiding

Return to:

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