

Notice of Substitute Trustee Sale

T.S. #: 23-9783

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.

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

Date: **2/6/2024**
Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.
The sale will be completed by no later than **1:00 PM**
Place: **Howard County Courthouse in Big Spring, Texas, at the following location: 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 IMMEDIATE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

Property To Be Sold - The property to be sold is described as follows:

Being all of Lot One (1), Block Twenty-Two (22), College Park Estates, an addition to the City of Big Spring, Howard County, Texas, according to the amended plat thereof as recorded in Plat Envelope 28/B, Plat Records in the Office of the County Clerk in and for Howard County, Texas.

Instrument to be Foreclosed - The instrument to be foreclosed is the Deed of Trust is dated 5/17/2011 and is recorded in the office of the County Clerk of Howard County, Texas, under County Clerk's File No 2011-00002602, recorded on 5/23/2011, of the Real Property Records of Howard County, Texas.
Property Address: 3201 EAST 11TH PLACE BIG SPRING, TX 79720

Trustor(s): **GENE ARGUELLO AKA RUDY** Original **CITIFINANCIAL, INC.**
EUGENE ARGUELLO AND Beneficiary:
CHERRIE ANN ARGUELLO

Current **U.S. Bank Trust National Association,** Loan Servicer: **SN Servicing Corporation**
Beneficiary: **as Trustee for LB-Ranch Series V**
Trust

Current **Auction.com, Shelley Nail, Donna Trout, Zane Nail, Zoey Fernandez, Zia Nail, Rick Snoke,**
Substituted **Prestige Default Services, LLC**
Trustees:

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.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash with funds being made payable to Prestige Default Services, LLC, subject to the provisions of the deed of trust permitting the beneficiary 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

Posted at 12:05 P.M. O'clock 1-16-24
Brent Z... County Clerk, Howard County, Texas
By Angie Martin Deputy

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time of sale. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Type of sale - The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by GENE ARGUELLO AKA RUDY EUGENE ARGUELLO AND CHERRIE ANN ARGUELLO HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$33,111.85, executed by GENE ARGUELLO AKA RUDY EUGENE ARGUELLO AND CHERRIE ANN ARGUELLO HUSBAND AND WIFE, and payable to the order of CITIFINANCIAL, INC.; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of GENE ARGUELLO AKA RUDY EUGENE ARGUELLO AND CHERRIE ANN ARGUELLO HUSBAND AND WIFE to GENE ARGUELLO AKA RUDY EUGENE ARGUELLO AND CHERRIE ANN ARGUELLO . U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses. **All checks must be made payable to Prestige Default Services, LLC**

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust
c/o SN Servicing Corporation
323 5th Street
Eureka, CA 95501
800-603-0836

Dated: 1-16-24

Auction.com, Shelley Nail, Donna Trout, Zane Nail, Zoey Fernandez, Zia Nail,
Rick Snoke, Prestige Default Services, LLC ,

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

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AFTER RECORDING, PLEASE RETURN TO:
Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Attn: Trustee Department

CAUSE NUMBER 56228

In Re: Order for Foreclosure Concerning
3201 E 11th Pl
Big Spring, TX 79720
Under Tex R. Civ. P. 736

Petitioner: U.S. BANK TRUST
NATIONAL ASSOCIATION, AS
TRUSTEE FOR LB-RANCH SERIES V
TRUST

Respondents: Rudy Eugene Arguello, and
Cherrie Ann Arguello

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IN THE DISTRICT COURT OF

HOWARD COUNTY, TEXAS

118th JUDICIAL DISTRICT

DEFAULT ORDER FOR RULE 736 EXPEDITED FORECLOSURE

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is Rudy Eugene Arguello, 3201 E 11th Pl, Big Spring, TX 79720, and Cherrie Ann Arguello, 3201 E 11th Pl, Big Spring, TX 79720. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.
3. The property that is the subject of this foreclosure proceeding is commonly known as 3201 E 11th Pl, Big Spring, TX 79720, with the following legal description:

SITUATE, LYING AND BEING IN THE COUNTY OF HOWARD, STATE OF TEXAS, DESCRIBED AS FOLLOWS: BEING ALL OF LOT ONE (1), BLOCK TWENTY-TWO (22), COLLEGE PARK ESTATES, AN ADDITION TO THE CITY OF BIG SPRING, HOWARD COUNTY, TEXAS, ACCORDING TO THE AMENDED PLAT THEREOF AS RECORDED IN PLAT ENVELOPE 28/B, PLAT RECORDS IN THE OFFICE OF THE COUNTY CLERK IN AND FOR HOWARD COUNTY, TEXAS

4. The lien to be foreclosed is indexed or recorded as Instrument No. 2011-00002602 and recorded in the real property records of Howard County, Texas.
5. The material facts establishing Respondent's default are alleged in the Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. 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.
7. Therefore, the Court grants Petitioner's motion for default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner and/or its successors and assigns may proceed with non-judicial foreclosure of the property described above in accordance with applicable law and the Loan Agreement, Texas Property Code Section 51.002, and under article XVI, section 50(a)(6) of the Texas Constitution and the Application is granted.
8. Petitioner and/or its successors and assigns is hereby authorized to take all actions necessary to proceed with the non-judicial foreclosure and to secure the property.
9. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an 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 12th day of January, 2024.



Judge Presiding

APPROVED AND ENTRY REQUESTED:

Ghidotti | Berger LLP

/s/ George Scherer

George Scherer, Esq.

State Bar No. 00784916

Ghidotti | Berger LLP

16801 Addison Rd Ste 350

Addison, TX 75001

Tel: (949) 427-2010 ext. 1020

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Email: gscherer@ghidottiberger.com

ATTORNEY FOR PETITIONER

Automated Certificate of eService

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Filing Code Description: Motion For Default Judgment

Filing Description:

Status as of 1/12/2024 12:22 PM CST

Associated Case Party: U.S. Bank Trust National Association

Name	BarNumber	Email	TimestampSubmitted	Status
Delliah Perez		dperez@ghidottiberger.com	12/15/2023 2:48:27 PM	SENT