

When recorded please return to:
Caliber Home Loans, Inc. –
Document Control
13801 WIRELESS WAY
OKLAHOMA CITY, OK 73134

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

File Number: TX-19-10409-JY

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 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.

WHEREAS, on **7/26/2003**, **CHARLES E. CUBLEY, NOT STATED**, executed a Deed of Trust conveying to **JAMES SALMON** as Trustee, the Real Estate hereinafter described, to **BENEFICIAL TEXAS, INC.**, in the payment of a debt therein described, said Deed of Trust being recorded under Instrument 024641, Volume 1203, Page 466, in the DEED OF TRUST OR REAL PROPERTY records of **CASS 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 had been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

WHEREAS, an Order to Proceed with Notice of Foreclosure Sale and Foreclosure Sale was entered on **June 06, 2019** under Cause No. **19c078** in the **5** Judicial District Court of **CASS COUNTY, Texas**; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **8/6/2019** beginning not earlier than **10:00 AM**, or not later than three hours thereafter, I will sell said Real Estate in **CASS COUNTY, TEXAS** to the highest bidder for cash. The sale will be conducted in the area 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 at the location where this Notice of Trustee's Sale was posted. Said Real Estate is described as follows:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Property Address: **48 PRIVATE RD 454, MC LEOD, TX 75565**

Mortgage Servicer: **Caliber Home Loans, Inc.**


Mortgage Servicer Address: **13801 WIRELESS WAY, OKLAHOMA CITY, OK, 73134**

Reinstatement Line: **(800) 401-6587**

Noteholder: **U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, by Caliber Home Loans, Inc., as its attorney in fact**

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.

WITNESS MY HAND this day,



Robert LaMont, David Sims, Harriett Fletcher, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard, Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont, Allan Johnston, Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick



4697718



FILED FOR RECORD

2019 JUN 27 PM 4:46

AMY L. VARNELL
CASS COUNTY CLERK

EXHIBIT "A"

ALL THAT CERTAIN 6.24 ACRE TRACT OF LAND IN THE JOHN COLLOM SURVEY, ABSTRACT 167, CASS COUNTY, TEXAS, AND BEING ALL OF LOT NUMBER 8 AND NUMBER 18 AS SHOWN ON A PLAT RECORDED IN VOLUME 6, PAGE 5, CASS COUNTY PLAT RECORDS, SAID 6.24 ACRE TRACT BEING A PART OF A CALLED 123.575 ACRE TRACT DESCRIBED AND RECORDED IN VOLUME 652, PAGE 620, CASS COUNTY DEED RECORDS. SAID 6.24 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR SET ON THE EAST SIDE OF CASS COUNTY ROAD NO. 4564 FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF LOT NUMBER 9, SAID 1/2 INCH REBAR LIES NORTH 03 DEGREES 04 MINUTES 00 SECONDS EAST, 386.56 FEET FROM THE SOUTHWEST CORNER OF THE ORIGINAL CALLED 123.575 ACRE TRACT AND THE SOUTHWEST CORNER OF LOT NUMBER 9;

THENCE NORTH 03 DEGREES 04 MINUTES 00 SECONDS EAST (RECORD BEARING SOURCE: DEED RECORDED IN VOLUME 652, PAGE 620, CASS COUNTY DEED RECORDS), ALONG THE EAST SIDE OF CASS COUNTY ROAD NUMBER 4564, 300.04 FEET TO A 1/2 INCH REBAR SET IN THE CENTER OF A DIRT ROAD FOR THE NORTHWEST CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF LOT NUMBER 7;

THENCE SOUTH 87 DEGREES 55 MINUTES 00 SECONDS EAST, 397.97 FEET TO A 1/2 INCH REBAR SET ON THE SOUTH SIDE OF SAID DIRT ROAD FOR A CORNER OF THIS TRACT AND A CORNER OF LOT NUMBER 7;

THENCE NORTH 82 DEGREES 23 MINUTES 23 SECONDS EAST, 168.39 FEET TO A 5/8 INCH IRON ROD FOUND IN THE CENTER OF SAID DIRT ROAD FOR A CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF LOT NUMBER 7 AND THE SOUTHWEST CORNER OF LOT NUMBER 17;

THENCE NORTH 04 DEGREES 33 MINUTES 27 SECONDS EAST, 474.92 FEET TO A 3/8 INCH REBAR FOUND IN THE CENTER OF AN ABANDONED COUNTY ROAD (MAINTENANCE DISCONTINUED) FOR THE NORTHEAST CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF LOT NUMBER 17;

THENCE SOUTH 82 DEGREES 35 MINUTES 42 SECONDS WEST, 250.94 FEET TO A 5/8 INCH IRON ROD FOUND ON THE WEST SIDE OF A DIRT ROAD FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE NORTHEAST CORNER OF LOT NUMBER 19;

THENCE SOUTH 89 DEGREES 22 MINUTES 32 SECONDS WEST, 471.11 FEET TO A 1/2 INCH GALVANIZED PIPE FOUND FOR A CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF LOT NUMBER 19;

THENCE SOUTH 02 DEGREES 34 MINUTES 16 SECONDS WEST, 89.98 FEET TO A 5/8 INCH IRON ROD FOUND FOR A CORNER OF THIS TRACT AND THE NORTHEAST CORNER OF LOT NUMBER 9;

THENCE SOUTH 89 DEGREES 20 MINUTES 53 SECONDS WEST, 563.42 FEET TO THE PLACE OF BEGINNING AND CONTAINING 6.24 ACRES OF LAND, MORE OR LESS.

TAX MAP OR PARCEL ID NO.: 00349160044029 , TAX MAP OR PARCEL ID NO.: 00349160051651

Therefore it is agreed and:

ORDERED that:

All of Charles E. Cubley's ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the real property and improvements commonly known as 454 County Road 4564, Mcleod, TX 75565 ("Property") and legally described as:

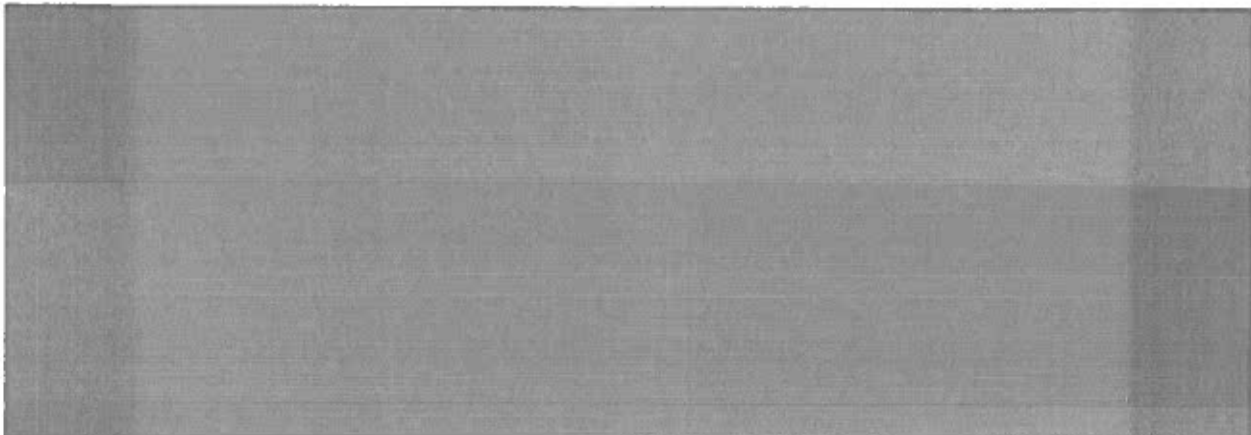
ALL THAT CERTAIN 624 ACRE TRACT OF LAND IN THE JOHN COLLOM SURVEY, ABSTRACT 167, CASS COUNTY, TEXAS, AND BEING ALL OF LOT NUMBER 8 AND NUMBER 18 AS SHOWN ON A PLAT RECORDED IN VOLUME 6, PAGE 5, CASS COUNTY PLAT RECORDS, SAID 624 ACRE TRACT BEING A PART OF A CALLED 123.575 ACRE TRACT DESCRIBED AND RECORDED IN VOLUME 652, PAGE 620, CASS COUNTY DEED RECORDS, SAID 624 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR SET ON THE EAST SIDE OF CASS COUNTY ROAD NO. 4564 FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF LOT NUMBER 9, SAID 1/2 INCH REBAR LIES NORTH 03 DEGREES 04 MINUTES 00 SECONDS EAST, 386.56 FEET FROM THE SOUTHWEST CORNER OF THE ORIGINAL CALLED 123.575 ACRE TRACT AND THE SOUTHWEST CORNER OF LOT NUMBER 9;

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THENCE SOUTH 87 DEGREES 55 MINUTES 00 SECONDS EAST, 397.37 FEET TO A 1/2 INCH REBAR SET ON THE SOUTH SIDE OF SAID DIRT ROAD FOR A CORNER OF THIS TRACT AND A CORNER OF LOT NUMBER 7;

THENCE NORTH 82 DEGREES 23 MINUTES 23 SECONDS EAST, 165.39 FEET TO A 5/8 INCH IRON ROD FOUND IN THE CENTER OF SAID DIRT ROAD FOR A CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF LOT NUMBER 7 AND THE SOUTHWEST CORNER OF LOT NUMBER 17;



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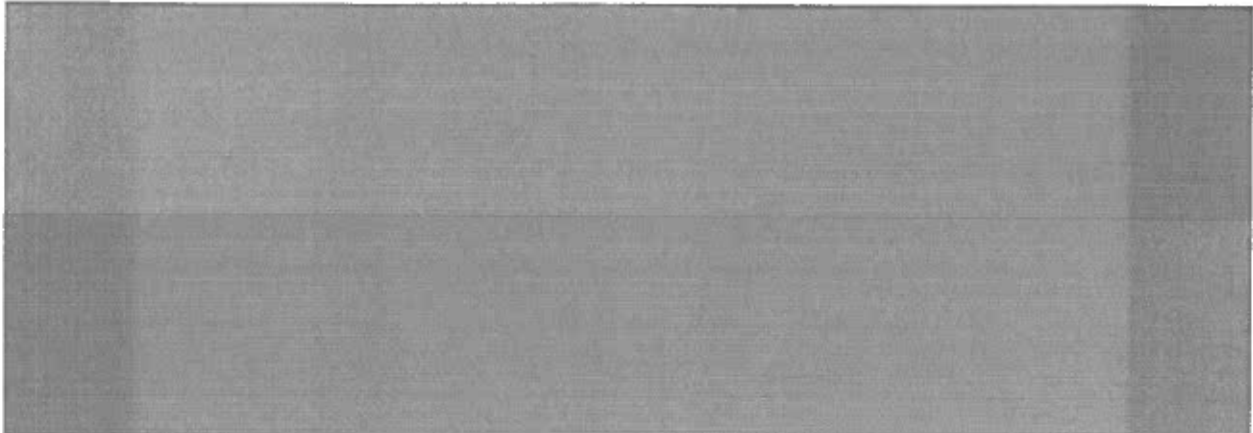
IT IS FURTHER ORDERED Plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated July 26, 2003 and filed under VOLUME 1203, PAGE 466 of the Official Public Records of Cass County, Texas.

IT IS FURTHER ORDERED that this Judgment serves as an Order authorizing Plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

IT IS FURTHER ORDERED that a copy of this Judgment shall be sent to defendants with the notice of the date, time, and place of the foreclosure sale.

IT IS FURTHER ORDERED that Plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

IT IS FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale also be mailed to counsel by certified mail.



IT IS FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

IT IS FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt or otherwise arising in this suit shall be asserted against the defendants or the putative estate of Decedent.

IT IS FURTHER ORDERED that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the Plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

IT IS FURTHER ORDERED that all other costs of court are taxed against the party incurring same.

All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this 6th day of June, 2019.


PRESIDING JUDGE

AGREED AND ENTRY REQUESTED:

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP**

/s/ Jessica A. Riley

Jessica A. Riley
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ATTORNEYS FOR PLAINTIFF

PRO SE

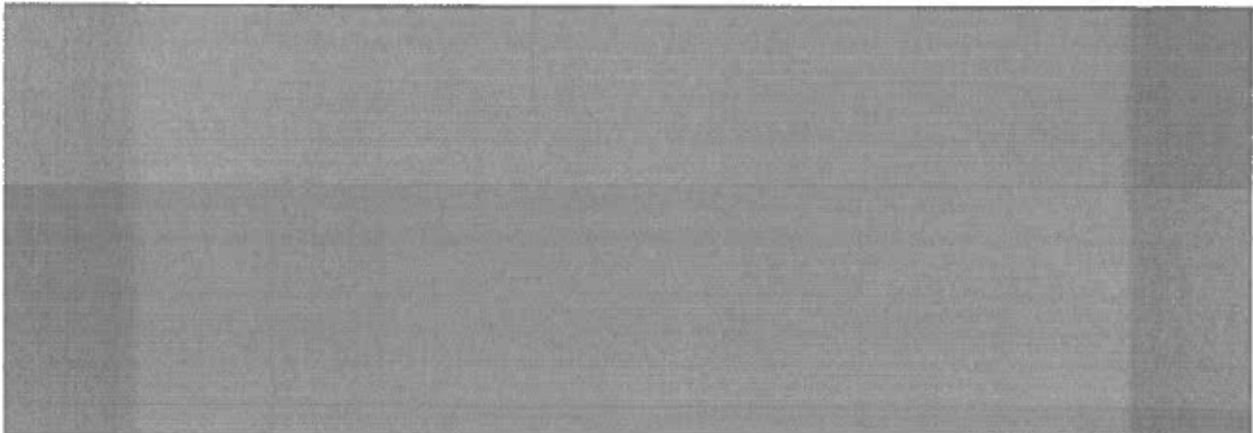
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Agreed Final Judgment
BDFTE #: 00000007249832| CUBLEY

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AGREED AND ENTRY REQUESTED:

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP**

By Jessica A. Riley
Jessica A. Riley
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Phone: 318-226-9811
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NOTICE OF SALE FORECLOSURE FORM

Date this form is submitted to county clerk _____

Zip code of the property for which the Notice of Sale is filed **75565**

This form is being used to memorialize the filing of a Notice of Sale related to the foreclosure of residential real property in connection with the notices required by Tex. Prop. Code, §51.002.