

FILED

JUL 27 2023

1:15 PM  
Brenda Pietsch  
BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS

### NOTICE OF TRUSTEE'S SALE

#### DEED OF TRUST INFORMATION:

<b>Grantor(s)</b>	Collin V. Pietsch and Mary A. Pietsch	<b>Deed of Trust Date</b>	April 30, 2009
<b>Original Mortgagee</b>	Generation Mortgage Company	<b>Original Principal</b>	\$436,500.00
<b>Recording Information</b>	Instrument #: 09-2786 Book #: 1480 Page #: 802 in Fayette County, Texas	<b>Original Trustee</b>	Robert K. Fowler
<b>Property Address</b>	2909 Owl Creek Road, Lagrange, TX 78945	<b>Property County</b>	Fayette

#### MORTGAGE SERVICER INFORMATION:

<b>Current Mortgagee</b>	Cascade Funding Mortgage Trust HB4	<b>Mortgage Servicer</b>	PHH Mortgage Corporation
<b>Current Beneficiary</b>	Cascade Funding Mortgage Trust HB4	<b>Mortgage Servicer Address</b>	1661 Worthington Road, Suite 100, West Palm Beach, FL 33409

#### SALE INFORMATION:

<b>Date of Sale</b>	09/05/2023
<b>Time of Sale</b>	10:00 AM or no later than 3 hours thereafter
<b>Place of Sale</b>	At the posting board located on and in the stone wall enclosure located on the Northwest portion of the Fayette County Courthouse square, on and in that portion of the wall enclosure facing West Colorado Street near its intersection with North Main Street in Fayette County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Fayette County Commissioner's Court.
<b>Substitute Trustees</b>	Megan Randle, Ebbie Murphy, Kristopher Holub, Dylan Ruiz, Auction.com, Megan L. Randle, Ebbie Murphy, Pete Florez, Elizabeth Anderson, Robert Randle, Selim Taherzadeh, or Michael Linke, any to act
<b>Substitute Trustees' Address</b>	15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

#### PROPERTY INFORMATION:

**Legal Description as per the Deed of Trust:**  
 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS, A PART OF THE HENRY DIBBLE 1/3 LEAGUE, A-163, SAME BEING A PART OF A 148.5 ACRE TRACT OF LAND CONVEYED FROM WILLIE ABLSCHLAGER, ET UX, TO ROBERT A. PIETSCH IN A DEED DATED MARCH 27, 1944, AND RECORDED IN VOLUME 192, PAGES 252-253, DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

COMMENCING AT THE WEST CORNER OF THE SAID ROBERT A. PIETSCH 148.5 ACRE TRACT OF LAND, SAME LYING ON THE NORTH BANK OF ROCKY CREEK, SAME LYING IN THE EAST MARGIN OF A COUNTY ROAD (LAGRANGE-GIDDINGS ROAD), AND GOING NORTH 8 DEGREES 48 1/4 FEET EAST 664.9 FEET TO AN IRON PIN FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THE PLANE OF BEGINNING SAME LYING IN THE NORTHEAST MARGIN OF THE SAID COUNTY ROAD.

THENCE NORTH 10 DEGREES 00 MINUTES WEST 224.6 FEET ALONG THE NORTHEAST MARGIN OF THE SAID COUNTY ROAD TO AN IRON PIN FOR THE WEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 43 DEGREES 28 3/4 FEET EAST 513.4 FEET TO AN IRON PIN FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 37 DEGREES 12 1/2 FEET EAST 359.5 FEET TO AN IRON PIN FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

## NOTICE OF TRUSTEE'S SALE

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**THENCE SOUTH 59 DEGREES 57 3/4 FEET WEST 614.1 FEET TO THE PLACE OF BEGINNING, CONTAINING 3.58 ACRES OF LAND.**

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

Default has occurred under the Deed of Trust and all sums secured by the Deed of Trust were declared immediately due and payable. The Beneficiary has, or caused another to, removed the Original Trustee and appointed Substitute Trustees. On behalf of the Mortgagee, Mortgage Servicer, and Substitute Trustees, the undersigned is providing this Notice of Trustee's Sale.

The sale will be conducted as a public auction to the highest bidder for cash, 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 time of sale.

The 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 sale will necessarily be made subject to all other 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. The sale shall not cover any part of the property that has been released from the lien of the Deed of Trust. 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 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. Purchasers will buy the property "at the purchaser's own risk" and "at his/her peril", and no representation is made concerning the quality of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property.

Pursuant to 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.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee, or any subsequently appointed Trustee, need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

Interested parties are encouraged to consult counsel of their choice prior to participating in the sale of the property.

**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.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE**

## NOTICE OF TRUSTEE'S SALE

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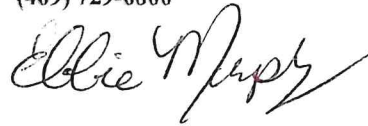
THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

Dated July 26, 2023.

/s/ Selim H. Taherzadeh

Selim H. Taherzadeh  
15851 N. Dallas Parkway, Suite 410  
Addison, TX 75001  
(469) 729-6800

Return to: TAHERZADEH, PLLC  
15851 N. Dallas Parkway, Suite 410, Addison, TX 75001



CAUSE NUMBER 2023V-004

<b>IN RE: ORDER FOR FORECLOSURE</b>	§	<b>IN THE DISTRICT COURT</b>
<b>CONCERNING</b>	§	
	§	
<b>2909 OWL CREEK ROAD</b>	§	
<b>LAGRANGE, TX 78945</b>	§	
	§	
<b>UNDER TEX. R. CIV. PROC. 736</b>	§	<b>OF FAYETTE COUNTY, TEXAS</b>
	§	
<b>Petitioner:</b>	§	
	§	
<b>MORTGAGE ASSETS MANAGEMENT,</b>	§	
<b>LLC,</b>	§	
	§	
<b>Respondent(s):</b>	§	
	§	
<b>COLLIN V. PIETSCH AND MARY A.</b>	§	<b>155TH JUDICIAL DISTRICT</b>
<b>PIETSCH.</b>	§	

**DEFAULT ORDER ALLOWING FORECLOSURE**

Mortgage Assets Management, LLC, 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 XVI, Section 50(k)(6) ("Application"). Having considered the evidence presented, the Court finds that:

- 1) the Application complies with Texas Rule of Civil Procedure ("TRCP") 736.1;
- 2) the Application was properly served in accordance with TRCP 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 finds that:

(a) Petitioner is the holder of a Texas Home Equity Conversion Note secured by a lien created under Texas Constitution Article XVI, Section 50(k). A debt exists.

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

(c) 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. Mortgage Assets Management, LLC, together with its successors and assigns, is hereby authorized to serve Notice of Sale on 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 2909 Owl Creek Road, Lagrange, TX 78945 and legal description as described in the Real Property Records of Fayette County, Texas as follows:

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS, A PART OF THE HENRY DIBBLE 1/3 LEAGUE, A-163, SAME BEING A PART OF A 148.5 ACRE TRACT OF LAND CONVEYED FROM WILLIE ABLSCHLAGER, ET UX, TO ROBERT A. PIETSCH IN A DEED DATED MARCH 27, 1944, AND RECORDED IN VOLUME 192, PAGES 252-253, DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

COMMENCING AT THE WEST CORNER OF THE SAID ROBERT A. PIETSCH 148.5 ACRE TRACT OF LAND, SAME LYING ON THE NORTH BANK OF ROCKY CREEK, SAME LYING IN THE EAST MARGIN OF A COUNTY ROAD (LAGRANGE-GIDDINGS ROAD), AND GOING NORTH 8 DEGREES 48 1/4 FEET EAST 664.9 FEET TO AN IRON PIN FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THE PLANE OF BEGINNING SAME LYING IN THE NORTHEAST

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THENCE NORTH 43 DEGREES 28 3/4 FEET EAST 513.4 FEET TO AN IRON PIN FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;  
THENCE SOUTH 37 DEGREES 12 1/2, FEET EAST 359.5 FEET TO AN IRON PIN FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 59 DEGREES 57 3/4 FEET WEST 614.1 FEET TO THE PLACE OF BEGINNING, CONTAINING 3.58 ACRES OF LAND.

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

Collin V. Pietsch, Deceased  
2909 Owl Creek Road  
La Grange, TX 78945

Mary A. Pietsch  
2909 Owl Creek Road  
La Grange, TX 78945

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

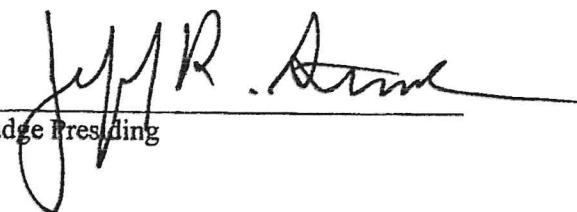
Instrument #: 09-2786 Book #: 1480 Page #: 802 in the Real Property  
Records of Fayette County, Texas.

4. A conformed copy of an Order Allowing Foreclosure must be attached to the Trustee or Substitute Trustee's Foreclosure Deed in accordance with TRCP 736.12.

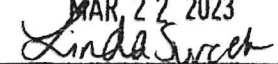
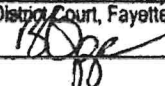
5. Petitioner may communicate with each Respondent and all third parties as reasonably necessary to conduct a foreclosure sale.

6. Notice of Foreclosure Sale must be mailed to respondent's counsel by certified mail if a respondent is represented by counsel.

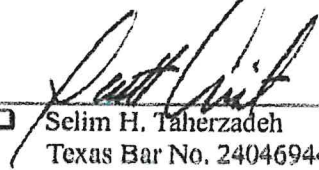
Signed, this 22<sup>nd</sup> day of March, 2023.

  
\_\_\_\_\_  
Judge Presiding

FILED  
At 11:30 o'clock A M

MAR 22 2023  
  
\_\_\_\_\_  
Clerk District Court, Fayette County, Texas  
By  Deputy

Approved as to form by:

-   
\_\_\_\_\_
- Selim H. Taherzadeh  
Texas Bar No. 24046944  
st@taherzlaw.com
  - Jeremiah B. Hayes  
Texas Bar No. 24048532  
jh@taherzlaw.com
  - Scott H. Crist  
Texas Bar No. 24057814  
sc@taherzlaw.com  
15851 N. Dallas Parkway, Suite 410  
Addison, TX 75001  
Telephone: (469) 729-6800  
Facsimile: (469) 828-2772  
**ATTORNEYS FOR PETITIONER**

281-00471

DEFAULT ORDER