

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

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 5/8/2008, LARRY L. POWELL AND CELINDA POWELL, executed a Deed of Trust conveying to ANGELA STONE 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 00803336, Volume 1447, Page 623, in the DEED OF TRUST OR REAL PROPERTY records of FREESTONE 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 September 26, 2016 under Cause No. 15-403-A in the 77TH Judicial District Court of FREESTONE COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 4/4/2017 beginning not earlier than 10:00 AM, or not later than three hours thereafter, I will sell said Real Estate in FREESTONE 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: 543 FCR 975, MEXIA, TX 76667-2785
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 LSF8 Master Participation Trust

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, 3-13-17



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

Lori Garner, Robert LaMont, Sheryl LaMont,
Harriett Fletcher, David Sims, Allan Johnston,
Sharon St. Pierre,
Substitute Trustee



EXHIBIT A – LEGAL DESCRIPTION

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE MARIA DE CANTUN LEAGUE, ABSTRACT 7, FREESTONE COUNTY, TEXAS, BEING 10.20 ACRES OF LAND AND BEING A PART OF A CALLED 45 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM EDWARD F. BEYER TO JAMES WALTERS ET AL, RECORDED IN VOLUME 613, PAGE 829, DEED RECORDS FREESTONE COUNTY, TEXAS.

SAID 10.20 ACRE TRACT DESCRIBED TO WIT:

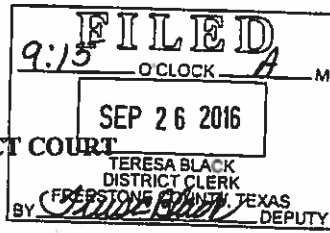
BEGINNING AT A 1/2 INCH IRON ROD SET IN THE WEST LINE OF SAID 45 ACRE TRACT, SAID POINT BEING IN THE EAST FENCE RIGHT OF WAY OF A COUNTY ROAD BEARS SOUTH 0 DEGREES 20 MINUTES 29 SECONDS WEST, 731.84 FEET FROM THE NORTHWEST CORNER OF SAID 45 ACRE TRACT:

THENCE SOUTH 0 DEGREES 54 MINUTES WEST, 439.15 FEET ALONG THE EAST FENCED RIGHT OF WAY OF SAID COUNTY ROAD TO A 1/2 INCH IRON ROD SET THEREIN FOR CORNER;

THENCE NORTH 89 DEGREES 14 MINUTES EAST, 1003.70 FEET TO A TEE IRON FOUND FOR THE NORTHEAST CORNER OF A 10 ACRE TRACT SOLD BY MRS. WALTERS IN APRIL OF 1961, SAID POINT BEING IN THE EAST FENCE OF SAID 45 ACRE TRACT:

THENCE NORTH 0 DEGREES 47 MINUTES EAST, 429.50 FEET ALONG THE EAST FENCE OF SAID 45 ACRE TRACT TO A 1/2 INCH IRON ROD SET THEREIN FOR CORNER;

THENCE NORTH 89 DEGREES 13 MINUTES WEST, 1002.37 FEET TO THE POINT OF BEGINNING, CONTAINING 10.20 ACRES OF LAND, MORE OR LESS.



U.S. BANK TRUST, N.A., AS
 TRUSTEE FOR LSF8 MASTER
 PARTICIPATION TRUST
 Plaintiff

IN THE DISTRICT COURT

v.

CELINDA POWELL, JUTINA
 SILVEY, REGINA HARRIS, DEANNA
 IRWIN, LAJUANA POWELL, JULIE
 GILLEY, AND THE UNKNOWN
 HEIRS AT LAW OF LARRY
 LEVELLE POWELL, DECEASED
 Defendants

FREESTONE COUNTY, TEXAS

IN RE: 543 FCR 975
 MEXIA, TEXAS 76667

77TH JUDICIAL DISTRICT

FINAL JUDGMENT

On this date, the Court heard Plaintiff's Motion for Final Judgment. After considering the pleadings, Motion, response, evidence on file, and arguments of counsel, it is the opinion of the Court that Plaintiff's Motion should be granted.

IT IS THEREFORE ORDERED that:

1. All of Larry L. Powell's ("Decedent") heirs-at-law have been made Defendants to this suit and are vested with all of Decedents' right, title and interest in the real property and improvements commonly known as 543 FCR 975, Mexia, Texas 76667 ("Property") and legally described as:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE MARIA DE CANTUN LEAGUE, ABSTRACT 7, FREESTONE COUNTY, TEXAS, BEING 10.20 ACRES OF LAND AND BEING A PART OF A CALLED 45 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM EDWARD F. BEYER TO JAMES WALTERS ET AL, RECORDED IN VOLUME 613, PAGE 829, DEED RECORDS FREESTONE COUNTY, TEXAS.

SAID 10.20 ACRE TRACT DESCRIBED TO WIT:

BEGINNING AT A 1/2 INCH IRON ROD SET IN THE WEST LINE OF SAID 45 ACRE TRACT, SAID POINT BEING IN THE EAST FENCE RIGHT OF WAY OF A COUNTY ROAD BEARS SOUTH 0 DEGREES 20 MINUTES 29 SECONDS WEST, 731.84 FEET FROM THE NORTHWEST CORNER OF SAID 45 ACRE TRACT;

THENCE SOUTH 0 DEGREES 54 MINUTES WEST, 439.15 FEET ALONG THE EAST FENCED RIGHT OF WAY OF SAID COUNTY ROAD TO A 1/2 INCH IRON ROD SET THEREIN FOR CORNER;

THENCE NORTH 89 DEGREES 14 MINUTES EAST, 1003.70 FEET TO A TEE IRON FOUND FOR THE NORTHEAST CORNER OF A 10 ACRE TRACT SOLD BY MRS. WALTERS IN APRIL OF 1981, SAID POINT BEING IN THE EAST FENCE OF SAID 45 ACRE TRACT;

THENCE NORTH 0 DEGREES 47 MINUTES EAST, 429.50 FEET ALONG THE EAST FENCE OF SAID 45 ACRE TRACT TO A 1/2 INCH IRON ROD SET THEREIN FOR CORNER;

THENCE NORTH 89 DEGREES 13 MINUTES WEST, 1002.37 FEET TO THE POINT OF BEGINNING, CONTAINING 10.20 ACRES OF LAND, MORE OR LESS.

2. Defendants Amanda Rogers, Jason Parker, Regina Harris, Deanna Irwin, Lajuana Powell, and Julie Gilley are non-suited in exchange for their execution of deeds without warranties.

3. The statutory probate lien in favor of Plaintiff shall be enforced by a non-judicial foreclosure sale held in accordance with the terms and conditions of the Loan Agreement, TEX. PROP. CODE §51.002.

4. This Final Judgment serves as an Order of Foreclosure of a Home Equity Loan in accordance with TEX. CONST. ART. XVI §50(a)(6).

5. Plaintiff may communicate with the Defendants and all third parties reasonably necessary to conduct the foreclosure sale.

6. If Defendants are represented by counsel, the notice of foreclosure sale shall also be mailed to counsel by certified mail.

7. 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.

8. No personal liability or deficiency for the Loan Agreement debt shall be asserted against the Defendants or the putative estate of Decedent.


9. 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.

10. As part of the costs of court, and payable by Plaintiffs, the Attorney Ad Litem is hereby granted the sum of \$ 625⁰⁰. All other costs of court are taxed against the party incurring same.

11. This Final Judgment shall also serve as a Statement of the Evidence as required by Rule 244 Texas Rules of Civil Procedure.

12. All relief not expressly granted is denied.

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

Signed this 26 day of September, 2016


JUDGE PRESIDING

ORDER SUBMITTED BY:

Crystal G. Roach

Crystal Gee Roach
State Bar No. 24027322
4004 Belt Line Road
Addison, Texas 75001
972-340-7901 (Phone)
972-341-0734 (Fax)
crystalr@bdfgroup.com
ATTORNEY FOR PLAINTIFF

FILED FOR RECORD IN
Freestone County
Linda Jarvis
COUNTY CLERK
ON: Mar 13, 2017 AT 04:28P
as Notice of Trustee Sale
Total Fees : 8.00
Receipt Number - 140518
By: Charlotte McCarthy, Deputy

FINAL JUDGMENT
BDFTE NO. 4637104

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