

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

File Number: TX-19-10148-JV

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 4/22/2005, ZACK H. KILPATRICK, NOT STATED, executed a Deed of Trust conveying to MATTHEW RIEDL 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 00018002, Volume 2027, Page 638, in the DEED OF TRUST OR REAL PROPERTY records of VAN ZANDT 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 December 28, 2018 under Cause No. 18-00066 in the 294TH Judicial District Court of VAN ZANDT COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 4/2/2019 beginning not earlier than 10:00 AM, or not later than three hours thereafter, I will sell said Real Estate in VAN ZANDT 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: 6568 FM 314, BEN WHEELER, TX 75754
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

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, 2-9-19

[Handwritten Signature]

Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick Zwiers, Darla Boettcher, Irene Lindsay, Dana Kamlin, Lisa Bruno, Ronda Tyler, Meryl Olsen, Randy Daniel, Cindy Daniel, Jim O'Bryant, Vanessa McHaney, Randy Daniel, Substitute Trustee

FILED FOR RECORD
2019 FEB 11 AM 9:21
SUSAN STROBLAND
COUNTY CLERK, VAN ZANDT CO. TX



4684523

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED IN THE TOWNSHIP OF
 BULL SURVEY ABSTRACT NUMBER 61, SAME BEING PART OF A CALLED 13.94 ACRE
 TRACT AS FOUND IN WARRANT DEED FILED MARCH 26, 1974 FROM LETTER B,
 STATION, ET AL TO CORVA LEE SCOTT AS FOUND RECORDED IN VOLUME 812,
 PAGE 610 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING MORE
 FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/8 INCH IRON ROD SET IN A SOUTHWEST LINE OF SAID 13.94
 ACRE TRACT FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS, SAME BEING
 NORTH 87 DEGREES 11 MINUTES 18 SECONDS WEST 708.16 FEET AND NORTH 45
 DEGREES 00 MINUTES 00 SECONDS WEST 480.90 FEET FROM THE SOUTHEAST CORNER
 OF SAID 13.94 ACRE TRACT;

THENCE: NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST 174.67 FEET WITH SAID
 SOUTHWEST LINE TO A CONCRETE MONUMENT FOUND FOR AN ANGLE POINT OF SAID
 13.94 ACRE TRACT, AND BEING AN ANGLE POINT OF THIS;

THENCE: NORTH 88 DEGREES 19 MINUTES 21 SECONDS WEST 101.78 FEET WITH A
 SOUTH LINE OF SAID 13.94 ACRE TRACT TO A 3/8 INCH IRON ROD SET FOR A
 SOUTHWEST CORNER OF THIS;

THENCE: NORTH 01 DEGREES 43 MINUTES 26 SECONDS WEST 149.88 FEET TO A 3/8
 INCH IRON ROD SET IN A NORTH LINE OF SAID 13.94 ACRE TRACT FOR THE
 NORTHWEST CORNER OF THIS;

THENCE: SOUTH 88 DEGREES 29 MINUTES 23 SECONDS EAST 112.41 FEET WITH SAID
 NORTH LINE TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT OF SAID 13.94
 ACRE TRACT, AND BEING AN ANGLE POINT OF THIS;

THENCE: SOUTH 45 DEGREES 18 MINUTES 45 SECONDS EAST 362.81 FEET WITH A
 NORTHEAST LINE OF SAID 13.94 ACRE TRACT TO A 3/8 INCH IRON ROD SET FOR
 THE SOUTHWEST CORNER OF THIS;

THENCE: SOUTH 81 DEGREES 18 MINUTES 10 SECONDS WEST 137.11 FEET TO THE
 PLACE OF BEGINNING CONTAINING 1.05 ACRES OF LAND.

Cause No. 18-00066

IN THE DISTRICT COURT
 OF VAN ZANDT COUNTY, TEXAS

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U.S. BANK TRUST, N.A., AS
 TRUSTEE FOR LSF10 MASTER
 PARTICIPATION TRUST,
 Plaintiff,

v.
 BRIAN KILPATRICK, CONSTANCE
 SOHL, AND THE UNKNOWN
 HEIRS AT LAW OF ZACH
 KILPATRICK,
 Defendant,

In Re: 6568 FM 314,
 BEN WHEELER, TX 75754

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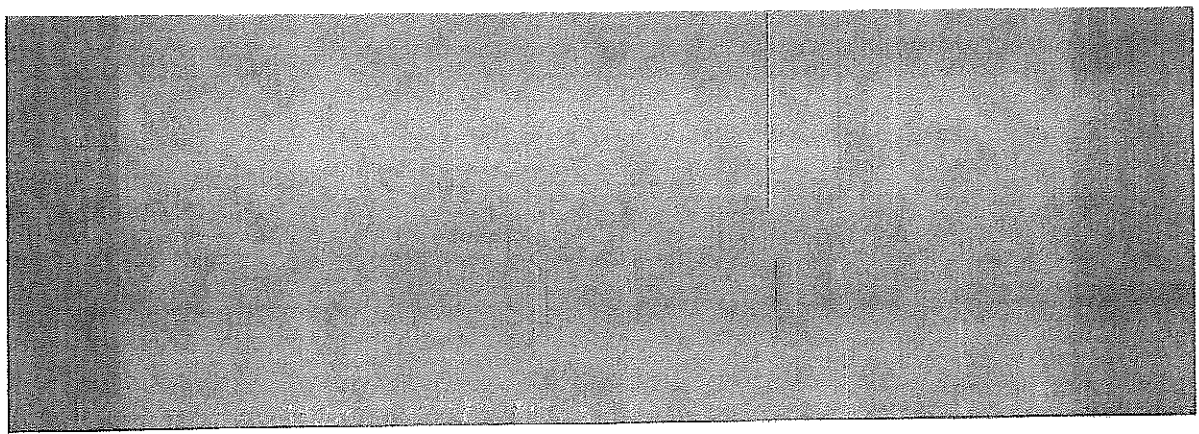
2944th JUDICIAL DISTRICT

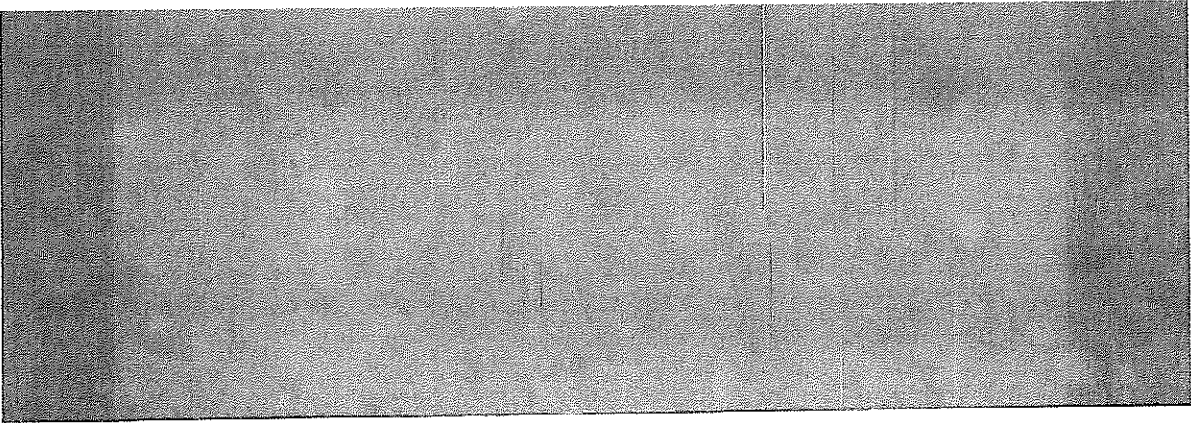
DEFAULT AND AGREED JUDGMENT

After considering plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trusts, its successors or assigns, motion for default and entry of an agreed judgment, pleadings, and evidence on file the Court GRANTS the motion and finds:

- 1. Citation was properly served on defendants according to law and remained on file with the Clerk of this Court for the time prescribed by law.
- 2. Defendant, Brian Kilpatrick was served with process and defendant has not filed an answer or any pleading constituting an answer and has not entered an appearance in this lawsuit. The last known address for defendant, Brian Kilpatrick is as follows: 150 S. Fir Street, Van, TX 75790.
- 3. Defendant, Constance Sohl was served with process and defendant has not filed an answer or any pleading constituting an answer and has not entered an appearance in this lawsuit. The last known address for defendant, Constance Sohl is as follows: 2454 45th Avenue, Columbus, NE 68601.

Default and Agreed Judgment
 BDFTE #: 7311574





ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED IN THE EDWARD BALL SURVEY ABSTRACT NUMBER 61, SAME BEING PART OF A CALLED 13.94 ACRE TRACT AS FOUND IN WARRANTY DEED FILED MARCH 26, 1974 FROM LESTER B. SLATON, ET AL TO CORA LEE SCOTT AS FOUND RECORDED IN VOLUME 812, PAGE 610 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/8 INCH IRON ROD SET IN A SOUTHWEST LINE OF SAID 13.94 ACRE TRACT FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS, SAME BEING NORTH 87 DEGREES 11 MINUTES 18 SECONDS WEST 705.16 FEET AND NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST 450.50 FEET FROM THE SOUTHEAST CORNER OF SAID 13.94 ACRE TRACT;

THENCE: NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST 178.67 FEET WITH SAID SOUTHWEST LINE TO A CONCRETE MONUMENT FOUND FOR AN ANGLE POINT OF SAID 13.94 ACRE TRACT, AND BEING AN ANGLE POINT OF THIS;

THENCE: NORTH 88 DEGREES 13 MINUTES 21 SECONDS WEST 103.78 FEET WITH A SOUTH LINE OF SAID 13.94 ACRE TRACT TO A

described as:

improvements commonly known as 6568 FM 314, Ben Wheeler, TX 75754 ("Property") and legally and were immediately vested with all of Decedent's right, title and interest in the real property and All of Zach Kilpatrick's ("Decedent") heirs-at-law have been made defendants to this suit

ORDERED that:

7. Plaintiff is entitled to the relief sought in plaintiff's original petition. Therefore it is: **ORDERED** that:
4. None of the defendants who were personally served are in active military service.
5. Julie Stern was appointed as attorney ad litem according to TEX. R. CIV. P. 244 for the unknown heirs-at-law of Zach Kilpatrick, deceased served citation by publication.
6. The Loan Agreement between U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust and the plaintiff is in default and that plaintiff is the beneficiary of that agreement on the property made the basis of this lawsuit.

3/8 INCH IRON ROD SET FOR A SOUTH WEST CORNER OF THIS;

THE NCE: NORTH 01 DEGREES 43 MINUTES 26 SECONDS WEST 149.58 FEET TO A 3/8 INCH IRON ROD SET IN A NORTH LINE OF SAID 13.94 ACRE TRACT FOR THE NORTHWEST CORNER OF THIS;

THENCE: SOUTH 88 DEGREE S 29 MINUTES 23 SECONDS 112.41 FEET WITH SAID NORTH LINE TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT OF SAID 13.94 ACRE TRACT, AND BEING AN ANGLE POINT OF THIS;

THE NCE: SOUTH 45D EGRES 15M INUTES 45 SECONDS EAST 362.81 FEET WITH A NORTHEAST LINE OF SAID 13.94 ACRE TRACT TO A 3/8 INCH IRON ROD SET FOR THE SOUTHEAST CORNER OF THIS;

THENCE: SOUTH 81 DEGREES 18 MINUTES 10 SECONDS WEST 137.11 FEET TO THE PLACE OF BEGINNING CONTAINING 1.05 ACRES OF LAND, MORE OR LESS.

FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas

Home Equity Security Instrument dated April 22, 2005 and filed under Doc # 00018002 of the

Official Public Records of Van Zandt County, Texas.

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.

FURTHER ORDERED that a copy of this judgment shall be sent to defendants with

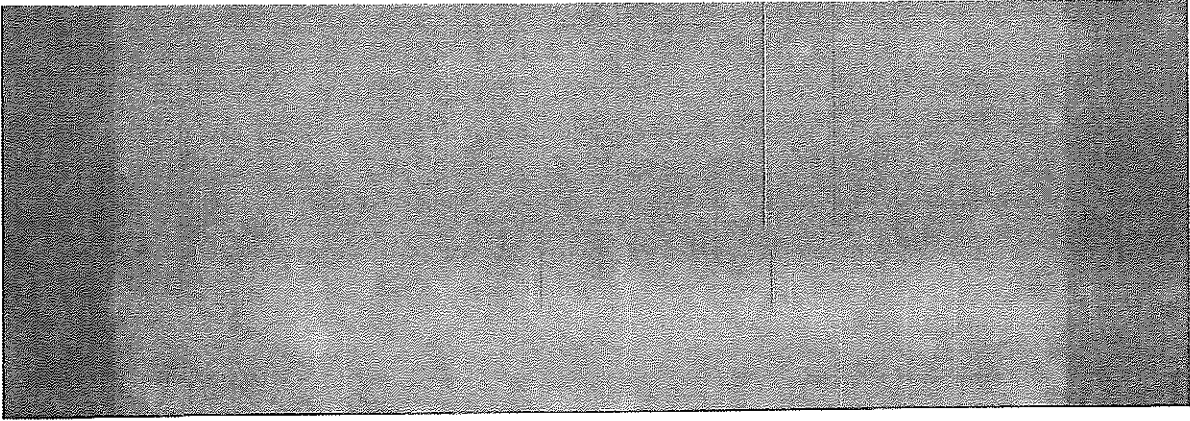
the notice of the date, time, and place of the foreclosure sale.

FURTHER ORDERED that plaintiff may communicate with the defendants and all

third parties reasonably necessary to conduct the foreclosure sale.

FURTHER ORDERED that if defendants are represented by counsel, the notice of

foreclosure sale also be mailed to counsel by certified mail.



Default and Agreed Judgment
BDFTE #: 7311574

Brian D. McGrath
State Bar No: 24048649
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320
(972) 341-0602
(972) 341-0734 (Facsimile)
brdm1c@bdftecorp.com

Julie C. Stern
State Bar No: 2408083
1023 State Highway 19, Ste 105
Canton, TX 75103
903-567-1226
julic@juliesternlaw.com

Julie Stern

APPROVED AS TO FORM & SUBSTANCE: APPROVED AS TO FORM ONLY:

PRESENTING JUDGE

12/28/2018 8:35 AM

SIGNED this _____ day of _____, 2018.

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

All relief not expressly granted is denied.

incurring same.

FURTHER ORDERED that all other costs of court are taxed against the party

cause.

Julie Stern, the Attorney Ad Litem is granted the sum of \$765.00 and discharged as Ad Litem in this

FURTHER ORDERED that as part of the costs of court, and payable by plaintiff,

the Property in accordance with TEX. R. CIV. P. 310.

Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of

remains occupied after this judgment becomes final and the plaintiff is the purchaser of the

FURTHER ORDERED that after the non-judicial foreclosure is held, if the property

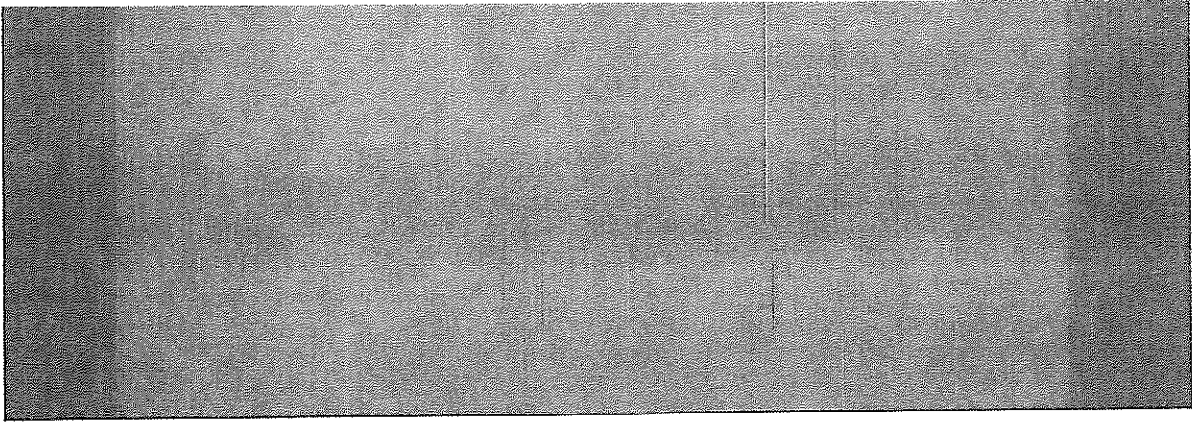
Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

FURTHER ORDERED that no personal liability or deficiency for the Loan

vested with all right, title and interest to the Property.

that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is

FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be



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Default and Agreed Judgment
BDFTE #: 7311574

ATTORNEY AD LITEM

ATTORNEY FOR PLAINTIFF