

HOME EQUITY POSTING WITH ORDER ATTACHED

3224 MCKNIGHT LANE
CORSICANA, TX 75110

20110134003455

NOTICE OF SUBSTITUTE TRUSTEE SALE

(See TEX. CONST. art. XVI, § 50a(6) Order attached)

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.

1. **Date, Time, and Place of Sale.**

Date: April 02, 2013

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place THE FRONT STEPS OF THE NAVARRO COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale.** Cash.

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated December 21, 2005 and recorded in Document VOLUME 1801, PAGE 502 real property records of NAVARRO County, Texas, with SCOTT MCCRORY AND MARY MCCRORY, grantor(s) and AAMES FUNDING CORPORATION DBA AAMES HOME LOAN, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by SCOTT MCCRORY AND MARY MCCRORY, securing the payment of the indebtednesses in the original principal amount of \$92,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. DEUTSCHE BANK NATIONAL TRUST COMPANY, FORMERLY KNOWN AS BANKERS TRUST COMPANY OF CALIFORNIA, N.A., AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-2 is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

6. **Mortgage Servicer Information.** 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 lien securing the Property referenced above. AMERICA'S SERVICING COMPANY, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o AMERICA'S SERVICING COMPANY
3476 STATEVIEW BLVD
FORT MILL, SC 29715

J. HOWELL, OR B. HOWELL

Substitute Trustee

c/o

15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001

2013-413
FILED FOR RECORD
AT 10:45 O'CLOCK A.M.

MAR 11 2013

SHERRY DOWD
COUNTY CLERK NAVARRO COUNTY, TEXAS
BY _____



NOS20110134003455

EXHIBIT "A"

ALL THAT CERTAIN TRACT OR SURVEY OF 2.5619 ACRES OF THE JAMES POWELL SURVEY SITUATED IN NAVARRO COUNTY, TEXAS, PART OF THE JAMES POWELL 1/3 LEAGUE SURVEY, AND DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, TO-WIT:

BEGINNING AT A STAKE IN THE SOUTH LINE OF THE CORSICANA-EMHOUSE PIKE ROAD, THE N.W. CORNER OF A TRACT ABOUT 1/2 ACRE DESCRIBES AS SECOND TRACT IN DEED FROM JR. STEPHENSON TO F.B. MCKIE BY DEED RECORDED IN VOLUME 222, PAGE 591, OF THE DEED RECORDS OF NAVARRE COUNTY, TEXAS;

THENCE NORTH 84 1/2 EAST, WITH SOUTH LINE OF ROAD 348 1/2 FEET TO THE N.E. CORNER OF SAID HALF ACRE TRACT, IN THE WESTERLY LINE OF A SMALL TRACT CONVEYED BY MRS. JULIA MIRUS TO F.B. MCKIE BY DEED RECORDED IN VOLUME 278, PAGE 293 OF THE NAVARRE COUNTY DEED RECORDS;

THENCE NORTH 30 DEG WEST, 28.8 FEET TO NORTH CORNER OF SAID TRACT CONVEYED BY MRS. MIRUS TO F.B. MCKIE A STAKE IN CENTER OF ROAD;

THENCE NORTH 84 1/2 EAST WITH CENTER OF ROAD, PASSING THE EAST CORNER OF SAID TRACT PURCHASED FROM MRS. MIRUS, A TOTAL DISTANCE OF 212.5 FEET TO A STAKE IN CENTER OF ROAD FOR THE N.E. CORNER OF THIS TRACT;

THENCE SOUTH 5 1/2 EAST AT RIGHT ANGLE TO CENTER OF ROAD 238.7 FEET TO A STAKE FOR THE SOUTHEAST CORNER OF THE TRACT HERBY CONVEYED;

THENCE SOUTH 84 1/2 WEST PARALLEL WITH THE CENTERLINE OF ROAD 447.2 FEET TO A STAKE IN THE WESTERLY LINE OF 60 ACRE TRACT PURCHASED BY F.B. MCKIE FROM J.P. STEPHENSON AND AS DESCRIBED IN THE DEED FIRST ABOVE MENTIONED;

THENCE NORTH 30 WEST 235.7 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.5619 ACRES OF LAND, MORE OR LESS.

SAVE AND EXCEPT:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING IN AND BEING SITUATED IN NAVARRE COUNTY, TEXAS IN THE JAMES POWELL SURVEY AND BEING A PART OF A CALLED 2.5619 ACRES OF LAND CONVEYED FROM MRS. CARRIE ZADEK TO MRS. BERTHA Z. ELLIS AS RECORDED IN VOLUME 350, PAGE 181 OF THE DEED RECORDS OF NAVARRE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOR CORNER IN THE NORTHWEST CORNER OF SAID 2.5619 ACRES AND SOUTH LINE OF FM 3383:

THENCE N 84 DEG 30' E, 162.99 FEET ALONG THE SOUTH LINE OF FM 3383 TO AN IRON PIN FOR CORNER;

THENCE S 5 DEG 30' E, 214.48 FEET TO AN IRON PIN FOR CORNER IN THE SOUTH LINE OF SAID 2.5619 ACRES;

THENCE S 84 DEG 30' W, 65.75 FEET TO AN IRON PIN FOR CORNER IN THE SOUTHWEST CORNER OF SAID 2.5619 ACRES;

THENCE N 30 DEG W, 235.70 FEET ALONG THE WEST LINE OF SAID 2.5619 ACRES TO THE PLACE OF BEGINNING AND CONTAINING 0.562 ACRES OF LAND, MORE OR LESS.

SAVE AND EXCEPT:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN THE JAMES POWELL SURVEY, A-638, NAVARRE COUNTY, TEXAS AND BEING A PART OF THE 2.5619 ACRE TRACT DESCRIBED IN DEED FROM

MRS. CARRIE ZADEK TO MRS. BERTHA Z. ELLIS, DATED APRIL 8, 1931, AND RECORDED IN VOLUME 350, PAGE 181, DEED RECORDS OF NAVARRE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOR CORNER IN THE SOUTH LINE OF EMHOUSE ROAD AND THE NORTH LINE OF THE SAID 2.5619 ACRE TRACT, SAID POINT BEING N 84 DEG 30' E, 163 FEET FROM THE NORTHWEST CORNER OF THE SAID 2.5619 ACRE TRACT;

THENCE N 84 DEG 30' E, 101.5 FEET ALONG THE SOUTH LINE OF EMHOUSE ROAD AND THE NORTH LINE OF SAID 2.5169 ACRE TRACT, SAID POINT BEING N 84 DEG 30' E, 163 FEET FROM THE NORTHWEST CORNER OF THE SAID 2.5619 ACRE TRACT;

THENCE N 84 DEG 30' E, 101.5 FEET ALONG THE SOUTH LINE OF EMHOUSE ROAD AND THE NORTH LINE OF SAID 2.5619 ACRE TRACT TO AN IRON PIPE FOR CORNER;

THENCE S 5 DEG 30' E, 214.5 FEET TO AN IRON PIPE FOR CORNER IN THE SOUTH LINE OF THE SAID 2.5619 ACRE TRACT;

THENCE S 94 DEG 30' W, 101.5 FEET ALONG THE SOUTH LINE OF THE SAID 2.5619 ACRE TRACT TO AN IRON ROD FOR CORNER;

THENCE N 5 DEG 30' W, 214.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.50 ACRES OF LAND, MORE OR LESS.

FILED

1

Cause Number D12-21601-CV

2013 FEB -4 PM 12:44

In re: Order for Foreclosure
Concerning

3224 MCKNIGHT LANE,
CORSICANA, TX 75110
Under Tex. R. Civ. Proc. 736

IN THE DISTRICT COURT OF
JOSHUA B. TACKETT
DISTRICT CLERK
NAVARRO COUNTY, TX
DEPUTY

NAVARRO COUNTY, TEXAS

13th JUDICIAL DISTRICT

DEFAULT HOME EQUITY FORECLOSURE ORDER

On this date the court considered DEUTSCHE BANK NATIONAL TRUST COMPANY, FORMERLY KNOWN AS BANKERS TRUST COMPANY OF CALIFORNIA, N.A., AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-2, or their successors or assigns (hereinafter "Petitioner"), Tex. R. Civ. P. 736 home equity foreclosure Application. The court has determined that it has jurisdiction over the subject matter and the parties in this proceeding. After reviewing the Motion for Default Order, the pleadings, the affidavits and the arguments of counsel, the court finds:

1. The Respondent(s) and their last known address (Tex. Prop. Code § 51.0001(2)) are as follows:

SCOTT MCCRORY AND MARY MCCRORY
3224 MCKNIGHT LANE, CORSICANA, TX 75110

2. The commonly known street address of the property encumbered by the lien sought to be foreclosed is 3224 Mcknight Lane, Corsicana, TX 75110 (the "Property"). The Property legal description is:

ALL THAT CERTAIN TRACT OR SURVEY OF 2.5619 ACRES OF THE JAMES POWELL SURVEY SITUATED IN NAVARRO COUNTY, TEXAS, PART OF THE JAMES POWELL 1/3 LEAGUE SURVEY, AND DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, TO-WIT:

BEGINNING AT A STAKE IN THE SOUTH LINE OF THE CORSICANA-EMHOUSE PIKE ROAD, THE N.W. CORNER OF A TRACT ABOUT 1/2 ACRE DESCRIBED AS SECOND TRACT IN DEED FROM JR. STEPHENSON TO F.B. MCKIE BY DEED RECORDED IN VOLUME 222, PAGE 591, OF THE DEED RECORDS OF NAVARRE COUNTY, TEXAS;

THENCE NORTH 84 1/2 EAST, WITH SOUTH LINE OF ROAD 348 1/2 FEET TO THE N.E. CORNER OF SAID HALF ACRE TRACT, IN THE WESTERLY LINE OF A SMALL TRACT CONVEYED BY MRS. JULIA MIRUS TO F.B. MCKIE BY DEED RECORDED IN VOLUME 278, PAGE 293 OF THE NAVARRE COUNTY DEED RECORDS;

THENCE NORTH 30 DEG WEST, 28.8 FEET TO NORTH CORNER OF SAID TRACT CONVEYED BY MRS. MIRUS TO F.B. MCKIE A STAKE IN CENTER OF ROAD;

THENCE NORTH 84 1/2 EAST WITH CENTER OF ROAD, PASSING THE EAST CORNER OF SAID TRACT PURCHASED FROM MRS. MIRUS, A TOTAL DISTANCE OF 212.5 FEET TO A STAKE IN CENTER OF ROAD FOR THE N.E. CORNER OF THIS TRACT;

THENCE SOUTH 5 1/2 EAST AT RIGHT ANGLE TO CENTER OF ROAD 238.7 FEET TO A STAKE FOR THE SOUTHEAST CORNER OF THE TRACT HERBY CONVEYED;

THENCE SOUTH 84 1/2 WEST PARALLEL WITH THE CENTERLINE OF ROAD 447.2 FEET TO A STAKE IN THE WESTERLY LINE OF 60 ACRE TRACT PURCHASED BY F.B. MCKIE FROM J.P. STEPHENSON AND AS DESCRIBED IN THE DEED FIRST ABOVE MENTIONED;

THENCE NORTH 30 WEST 235.7 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.5619 ACRES OF LAND, MORE OR LESS.

SAVE AND EXCEPT:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING IN AND BEING SITUATED IN NAVARRE COUNTY, TEXAS IN THE JAMES POWELL SURVEY AND BEING A PART OF A CALLED 2.5619 ACRES OF LAND CONVEYED FROM MRS. CARRIE ZADEK TO MRS. BERTHA Z. ELLIS AS RECORDED IN VOLUME 350, PAGE 181 OF THE DEED RECORDS OF NAVARRE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOR CORNER IN THE NORTHWEST CORNER OF SAID 2.5619 ACRES AND SOUTH LINE OF FM 3383:

THENCE N 84 DEG 30' E, 162.99 FEET ALONG THE SOUTH LINE OF FM 3383 TO AN IRON PIN FOR CORNER;

THENCE S 5 DEG 30' E, 214.48 FEET TO AN IRON PIN FOR CORNER IN THE SOUTH LINE OF SAID 2.5619 ACRES;

THENCE S 84 DEG 30' W, 65.75 FEET TO AN IRON PIN FOR CORNER IN THE
SOUTHWEST CORNER OF SAID 2.5619 ACRES;

THENCE N 30 DEG W, 235.70 FEET ALONG THE WEST LINE OF SAID 2.5619 ACRES TO
THE PLACE OF BEGINNING AND CONTAINING 0.562 ACRES OF LAND, MORE OR LESS.

SAVE AND EXCEPT:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN
THE JAMES POWELL SURVEY, A-638, NAVARRE COUNTY, TEXAS AND BEING A PART
OF THE 2.5619 ACRE TRACT DESCRIBED IN DEED FROM MRS. CARRIE ZADEK TO
MRS. BERTHA Z. ELLIS, DATED APRIL 8, 1931, AND RECORDED IN VOLUME 350, PAGE
181, DEED RECORDS OF NAVARRE COUNTY, TEXAS, AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOR CORNER IN THE SOUTH LINE OF EMHOUSE ROAD
AND THE NORTH LINE OF THE SAID 2.5619 ACRE TRACT, SAID POINT BEING N 84
DEG 30' E, 163 FEET FROM THE NORTHWEST CORNER OF THE SAID 2.5619 ACRE
TRACT;

THENCE N 84 DEG 30' E, 101.5 FEET ALONG THE SOUTH LINE OF EMHOUSE ROAD
AND THE NORTH LINE OF SAID 2.5169 ACRE TRACT, SAID POINT BEING N 84 DEG 30'
E, 163 FEET FROM THE NORTHWEST CORNER OF THE SAID 2.5619 ACRE TRACT;

THENCE N 84 DEG 30' E, 101.5 FEET ALONG THE SOUTH LINE OF EMHOUSE ROAD
AND THE NORTH LINE OF SAID 2.5619 ACRE TRACT TO AN IRON PIPE FOR CORNER;

THENCE S 5 DEG 30' E, 214.5 FEET TO AN IRON PIPE FOR CORNER IN THE SOUTH
LINE OF THE SAID 2.5619 ACRE TRACT;

THENCE S 94 DEG 30' W, 101.5 FEET ALONG THE SOUTH LINE OF THE SAID 2.5619
ACRE TRACT TO AN IRON ROD FOR CORNER;

THENCE N 5 DEG 30' W, 214.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.50
ACRES OF LAND, MORE OR LESS..

3. The Debt exists and is secured by a lien created under TEX. CONST. ART. XVI, § 50(a)(6), for a
home equity loan.

4. Petitioner is the holder of the Note and Deed of Trust. Scott Mccrory and Mary Mccrory
(hereafter "Obligor" whether one or more) executed the promissory note dated December 21, 2005 in the
original principal amount of \$92,000.00. Obligor is the party obligated to pay the loan agreement,
contract, or lien sought to be foreclosed.

5. Obligors executed a security instrument ("Deed of Trust"), which is recorded in the Navarro County Real Property Records at VOLUME 1801, PAGE 502.

6. Respondent failed to make payments in accordance with terms of the loan agreement, contract or deed of trust and is in default under the terms of those agreements.

7. As of the date the application was filed, Obligor failed to remit the installment payment due for June 1, 2011 and the installments that have become due after that date. As of 08/02/2012, there are at least 15 unpaid scheduled payments. The amount required to cure the default before 08/02/2012 is \$15,024.73. The amount required to pay off the loan in full before August 2, 2012 is \$113,250.26. This amount does not include attorneys' fees, late charges, interest, fees, costs, escrow advances or other lawful charges paid after August 2, 2012, all of which will continue to accrue according to the terms of the Note and Deed of Trust.

8. The requisite notices to cure the default and accelerate the maturity of the Debt have 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.

9. 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.

10. The court further finds that the Application complies with Tex. R. Civ. P. 735 and 736; that in accordance with Tex. R. Civ. P. 736.7(c) a copy of the required Return of Service has been on file with the Clerk of the Court for at least ten (10) days. Petitioner has established the basis for foreclosure; that Petitioner has appointed J.Howell, Or B.Howell or their successor, as the substitute trustee to conduct the foreclosure contemplated by this proceeding; and that Petitioner may proceed with foreclosure of the secured Property according to the terms of the security instrument, Tex. Prop. Code § 51.002 and applicable law in accordance with Tex. R. Civ. P. 736.9.


IT IS THEREFORE ORDERED that the Petitioner may proceed with a foreclosure sale under the terms of the security instrument, Tex. Prop. Code § 51.002 and applicable law with respect to the secured Property made the subject of this proceeding.

SIGNED this 4th day of February, 2013

ORIGINAL SIGNED BY
JAMES LAGOMARSINO

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:


Gregory T. Shannon
Texas Bar No. 24076913

Clark Royie
Texas Bar No. 24046763

Tom Misteli

Texas Bar No. 24058774

Ashley M. Judd

Texas Bar No. 24051945

Kimberly Hemenway

Texas Bar No. 24071217

Paige E. Bryant

Texas Bar No. 24051920

Kimberly Buteaud

Texas Bar No. 24038796

Elizabeth McDonald

Texas Bar No. 24062879

Anthony Scott Vincent

Texas Bar No. 24058241

15000 Surveyor Blvd., Suite 100

Addison, Texas 75001

972-386-5040 (Phone)

972-386-7673 (Fax)

ATTORNEYS FOR APPLICANT