

APR 21 2016

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

SHERRY DOWD, County Clerk  
NAVARRO COUNTY, TEXAS

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 5/19/2008, KENNETH E SPEAK AND DOROTHY J SPEAK, executed a Deed of Trust conveying to PRLAP, INC. as Trustee, the Real Estate hereinafter described, to BANK OF AMERICA, N.A., in the payment of a debt therein described, said Deed of Trust being recorded under Instrument 00005054, Volume XXX, Page XXX, in the DEED OF TRUST OR REAL PROPERTY records of NAVARRO 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 November 02, 2015 under Cause No. D15-24001-CV in the 13TH Judicial District Court of NAVARRO COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 6/7/2016 beginning not earlier than 11:00 AM, or not later than three hours thereafter, I will sell said Real Estate at the County Courthouse in NAVARRO COUNTY, TEXAS to the highest bidder for cash. The sale will be conducted in the area of the Courthouse 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 in the area immediately adjacent (next) to the location where this notice was posted. Said Real Estate is described as follows:

**LEGAL DESCRIPTION ATTACHED AS EXHIBIT A**

Property Address: 100 S BONNER AVE, KERENS, TX 75144

Mortgage Servicer: Caliber Home Loans, Inc.

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

Noteholder: U.S. Bank Trust, N.A., as Trustee for LSF9 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, 4-21-16

Sharon Deene

Sharon St. Pierre, Robert LaMont, Sheryl LaMont, Harriett Fletcher, David Sims,  
Substitute Trustee

When recorded please return to:

Caliber Home Loans, Inc. – Document Control  
13801 WIRELESS WAY  
OKLAHOMA CITY, OK 73134



4571812

S D L

**EXHIBIT A – LEGAL DESCRIPTION**

**ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN NAVARRO COUNTY, TEXAS, AND BEING PART OF BLOCK NO. 62 ACCORDING TO THE RECORDED ORIGINAL TOWN PLAT OF KERENS, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING AT THE N.E. CORNER OF SAID BLOCK NO. 62;  
THENCE S 105 FEET TO CORNER;  
THENCE W 150 FEET TO CORNER;  
THENCE N 105 FEET TO CORNER IN THE NORTH LINE OF THIS BLOCK;  
THENCE E WITH SAID NORTH LINE OF SAID BLOCK NO. 62, 150 FEET TO THE PLACE OF BEGINNING.**

CAUSE NO. D15-24001-CV

U.S. BANK TRUST, N.A., AS  
TRUSTEE FOR LSP9 MASTER  
PARTICIPATION TRUST  
Plaintiff

IN THE DISTRICT COURT

WESLEY 72 PH 12:49

WESLEY 72 PH 12:49  
NAVARRO COUNTY, TEXAS  
DEFENDANT

v.  
BREICE SPEAK, KATHY INMON,  
KIM CARTY, WENDY COLBURN,  
THE UNKNOWN HEIRS AT LAW OF  
KENNETH E. SPEAK, DECEASED  
AND THE UNKNOWN HEIRS AT  
LAW OF DOROTHY I. SPEAK,  
DECEASED  
Defendants

NAVARRO COUNTY, TEXAS

IN RE: 100 S. BONNER AVENUE  
KERRING, TEXAS 75144

13<sup>th</sup> JUDICIAL DISTRICT

AGREED 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 Kenneth E. Speak and Dorothy I. Speak's ("Decedents") 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 100 S. Bonner Avenue, Kerring, Texas 75144 ("Property") and legally described as:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE COUNTY OF NAVARRO, AND STATE OF TEXAS, DESCRIBED AS FOLLOWS: TO-WIT:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN NAVARRO COUNTY, TEXAS, AND BEING PART OF BLOCK NO. 6 ACCORDING TO THE RECORDED ORIGINAL TOWN PLAT OF KERRING, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE N.E. CORNER OF SAID BLOCK NO. 6;

AGREED FINAL JUDGMENT

RECEIVED 01/27/77

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THENCE S 105 FEET TO CORNER;  
THENCE W 150 FEET TO CORNER;  
THENCE N 105 FEET TO CORNER IN THE NORTH LINE OF THIS  
BLOCK;  
THENCE E WITH SAID NORTH LINE OF SAID BLOCK NO. 62, 150  
FEET TO THE PLACE OF BEGINNING.

2. The statutory priorities set 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.
3. This Final Judgment serves as an Order of Foreclosure of a Home Equity Loan in  
accordance with Tex. CONST. ART. XVI §50(a)(6).
4. Plaintiff may communicate with the Defendants and all third parties reasonably  
necessary to conduct the foreclosure sale.
5. If Defendants are represented by counsel, the notice of foreclosure sale shall also  
be mailed to counsel by certified mail.
6. 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.
7. No personal liability or deficiency for the Loan Agreement debt shall be asserted  
against the Defendants or the punitive cause of Decedent.
8. After the non-judicial foreclosure is held, if the property remains occupied after  
the 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.

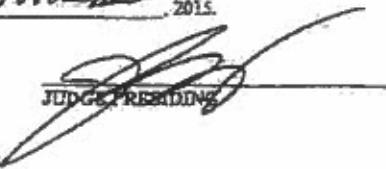
9. As part of the costs of court, and payable by Plaintiff, the Attorney Ad Litem is hereby granted the sum of \$ 750. All other costs of court are taxed against the party incurring same.

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

11. All relief not expressly granted is denied.

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

Signed this 2<sup>nd</sup> day of November, 2015.

  
JUDGE PRESIDING

ORDER AGREED TO  
& SUBMITTED BY:

  
Thomas L. Brinkley  
State Bar No. 2404337  
15000 Surveyor Blvd.  
Addison, Texas 75001  
972-386-5040 (Phone)  
972-341-8734 (Fax)  
thomas@tldlgp.com  
ATTORNEY FOR PLAINTIFF

  
Noah Ender  
State Bar No. 24082202  
2230 W. 2<sup>nd</sup> Avenue  
Conroe, TX 75110  
903-672-4992 (Phone)  
903-672-5123 (Fax)  
Noah.Ender@texasstatebar.net  
ATTORNEY AD LITEM

AGREED FINAL JUDGMENT  
S2015044577

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CAUSE NO. D15-24601-CV

U.S. BANK TRUST, N.A., AS  
TRUSTEE FOR LSP9 MASTER  
PARTICIPATION TRUST  
Plaintiff

IN THE DISTRICT COURT

101504-2 PG 12-69

v.

BRUCE SPEAK, KATHY INMON,  
KIM CARTY, WENDY COLEBURN,  
THE UNKNOWN HEIRS AT LAW OF  
KENNETH E. SPEAK, DECEASED  
AND THE UNKNOWN HEIRS AT  
LAW OF DOROTHY J. SPEAK,  
DECEASED

Defendants

NAVARRO COUNTY, TEXAS

IN RE: 100 S. BONNER AVENUE  
KERENS, TEXAS 75144

13<sup>TH</sup> JUDICIAL DISTRICT

STATEMENT OF THE EVIDENCE  
PURSUANT TO TRCP 244

The above referenced matter having been called to trial on this date was heard by the Court and the following is the Statement of the Evidence pursuant to Texas Rules of Civil Procedure Rule 244:

The evidence at trial was as follows:

1. On or about May 19, 2008, Defendants, Kenneth E. Speak and Dorothy J. Speak signed a note and deed of trust against the property known as 100 S. Bonner Avenue, Kerens, Texas 75144, and more particularly described as follows:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE COUNTY OF NAVARRO, AND STATE OF TEXAS, DESCRIBED AS FOLLOWS, TO-WIT:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN NAVARRO COUNTY, TEXAS, AND BEING PART OF BLOCK NO. 62 ACCORDING TO THE RECORDED ORIGINAL TOWN PLAT OF

STATEMENT OF THE EVIDENCE  
BUTTE NO. 471577592

KERENS, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS  
FOLLOWS:

BEGINNING AT THE N.E. CORNER OF SAID BLOCK NO. 62;

THENCE S.10S FEET TO CORNER;

THENCE W.150 FEET TO CORNER;

THENCE N.30S FEET TO CORNER IN THE NORTH LINE OF THIS  
BLOCK;

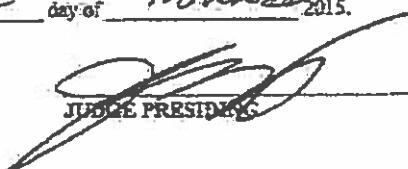
THENCE E WITH SAID NORTH LINE OF SAID BLOCK NO. 62, 150  
FEET TO THE PLACE OF BEGINNING.

2. Dorothy J. Speak died on or about June 12, 2013. Kenneth E. Speak died on or about December 23, 2013. No Probate proceedings have been opened for Decedent's Estate in the County where the Property is located. The loan for Kenneth E. Speak and Dorothy J. Speak is in default as defined in the loan agreement.
3. Bruce Speak, Kathy Immon, Kim Carty, and Wendy Colborn are the known heirs of Kenneth E. Speak and Dorothy J. Speak.
4. The Unknown Heirs at Law of Kenneth E. Speak and Dorothy J. Speak were served through citation by publication. Micah Haden was appointed as attorney ad litem.
5. Pursuant to Tex. Estates Code § 101.001 All of Kenneth E. Speak and Dorothy J. Speak's ("Decedents") heirs-at-law were made Defendants to this suit and are vested with all of Decedent's right, title and interest in the Property commonly known as 100 S. Benner Avenue, Kerens, Texas 75144.

STATEMENT OF THE EVIDENCE  
BDFTE No 471 S.177 Speak

6. No hairs other than the named Defendants were located.

SIGNED AND APPROVED this 2<sup>nd</sup> day of November 2015.

  
JUDGE PRESIDENT

STATEMENT OF THE EVIDENCE  
BID#EN-0745777-Space