Joel Blanco Mary Lou Blanco 807 15th Street Seagraves, Texas 79359 Our file #1015-194F

#### ATTENTION SERVICE MEMBERS:

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, or if you have recently been discharged from active military duty, please seud written notice of the active duty military service to the sender of this notice immediately.

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#### NOTICE OF TRUSTEE'S SALE

WHEREAS, on September 25, 2003, Joel Blanco and Mary Lou Blanco executed a Deed of Trust conveying to Anthony H. Barone, a Trustee, the Real Estate hereinafter described, to secure Centex Home Equity Company, LLC in the payment of a debt therein described, said Deed of Trust being recorded in Instrument Number R0003699, Vol 784, Page 179 in the Real Property Records of Gaines County, Texas; and

WHEREAS, The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust, the street address for the substitute trustees is 1126 W. Gray, Houston, Texas 77019; and

WHEREAS, Default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the undersigned to sell said property to satisfy said indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, July 5, 2016, the foreclosure sale will be conducted in Gaines County in the area designated by the Commissioners Court, pursuant to Section 51,002 of the Texas Property Code as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted. The trustee's sale will be conducted no earlier than 1:00 PM and must be concluded within three hours of such starting time. Said sale shall be to the highest bidder for cash.

Said Real Estate is described as Follows: In the County of Gaines, State of Texas:

## SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "C" AND INCORPORATED HEREIN.

Nationstar Mortgage LLC is the mortgage servicer for the mortgage of the Deed of Trust. Nationstar Mortgage LLC and the mortgage have entered into an agreement granting Nationstar Mortgage LLC authority to service the mortgage. Nationstar Mortgage LLC, as mortgage servicer, is representing the Mortgagee under a servicing agreement with the Mortgagee (the "Servicing Agreement"). The name of the Mortgagee is The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, N.A., as Trustec for Centex Home Equity Loan Trust 2004-A. Pursuant to the Servicing Agreement, Nationstar Mortgage LLC is granted authority to collect and service the debt associated with the Deed of Trust. Under Section \$1.0025 of the Texas Property Code, Nationstar Mortgage LLC, as mortgage servicer, is authorized to administer any resulting foreclosure of the property covered by the Deed of Trust on behalf of the Mortgagee. The Mortgagee's address is c/o the mortgage servicer, Nationstar Mortgage LLC, \$950 Cypress Waters Blvd., Coppell, TX 75019.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor / the Mortgagoe or the Mortgagee's attorney.

Lanelle Lynch, Substitute Trustee, or

Shelley Nail, Successor Substitute Trustee, or Kristina McCrary, Successor Substitute Trustee, or Donna Trout, Successor Substitute Trustee, or Lanelle Lynch, Successor Substitute Trustee, or Shelley Nail, Successor Substitute Trustee, or Donna Trout, Successor Substitute Trustee, or

Notice sent by: HARVEY LAW GROUP P.O. Box 131407 Houston, Texas 77219 Tel.: (832) 922-4000 Fax: (832) 922-6262

#17 - F!LED ----6-13-16 - 120 pm Vicki Phillips, County Clerk Gaines County, Texas Jackie Smith

# We 784 no 196

#### 91 Schedule "A" Texas Home Equity Security Instrument from Joel Blanco and wife, Mary Lou Blanco to Centex Home Equity Company, LLC dated September 25, 2003

The following land description:

A tract of land out of the West Central Part of Outlot 3, of the Original Town of Seagraves, in Gaines County, Texas, as per plat recorded in Vol. 12, Page 28, of the Gaines County Deed Records, and being all that certain tract of land conveyed by Claudye Hearne to William B. Hearne by Deed dated July 28, 1969, and recorded in Vol. 315, Page 224, Deed Records of Gaines County, Texas, and being more particularly described as follows:

BEGINNING at a 4" from rod in the South line of 15<sup>th</sup> Street (a 70.0 foot right-of -way dedicated in Vol. 306, Page 9 of the Gaines County Deed Records) for the Northeast corner of this tract, from which the Southeast corner of said Outlot 3 bears East 270.0 feet and South 305.0 feet;

THENCE South 140.0 feet at a 3<sup>th</sup> iron rod in the North line of a 20.0 foot alley dedicated in Vol. 306, Page 11 of the Gaines County Deed Records, for the Southeast corner of this tract;

THENCE West along the North line of said alley, 100.0 feet to a %" iron rod in the East line of a 10.0 foot alley dedicated in Vol. 306, Page 7 of the Gaines County Deed Records for the Southwest corner of this tract;

THENCE North along the East line of said 10.0 foor alley, 140.0 feet to a 1/2" from rod in the South line of said 15<sup>th</sup> Street for the Northwest corner of this tract;

THENCE East 100.0 feet to the place of beginning.

BUT LESS the oil, gas and other minerals.

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## CAUSE NO. 16-04-17274

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## IN RE ORDER FOR FORECLOSURE CONCERNING

# IN THE DISTRICT COURT OF

807 ISTH STREET , SEAGRAVES, TEXAS 79359

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GAINES COUNTY, TEXAS

**106TH JUDICIAL DISTRICT** 

## ORDER TO PROCEED WITH NOTICE OF FORECLOSURE SALE AND FORECLOSURE

Came on for consideration the Motion for Entry of Default Order Allowing Foreclosure filed by The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, N.A., as Trustee for Centex Home Equity Loan Trust 2004-A ("Applicant"), for Order for Foreclosure pursuant to Rule 736 of the Texas Rules of Civil Procedure. The Court is of the opinion that said application should be GRANTED.

The Court finds that no response has been filed and that the return of service has been on file for at least 10 days.

Pursuant to Rule 736.8(b), the Court further finds that the Petitioner has established the basis for the foreclosure and that:

- (1) the material facts establishing the basis for foreclosure are as follows:
  - a momentary default of the subject Note exists;
  - on August 13, 2015, the Applicant gave the Respondent(s) proper Notice of Default;
  - the default was not cured and the Note was accelerated on November 10, 2015; and
  - the loan is due for the July 1, 2015 payment and all subsequent payments.

(2) The property to be foreclosed is commonly known as 807 15th Street, Seagraves, Texas 79359 (the "Property") which has the following legal description:

> Filed: 5/31/2016 2:09:58 PM Sharon Taylor District Clerk Gaines County, Texas Susan Murphree

UNDER TEX. R. CIV. PROC. 736

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "C" AND INCORPORATED HEREIN.

- (3) The name and last known address of each respondent subject to this Order is/are:
  - Joel Blanco, P. O. Box 1013, Seagraves, Texas 79359
  - Mary Lou Blanco, P. O. Box 1013, Seagraves, Texas 79359
- (4) The Security Instrument to be foreclosed is recorded or indexed under Instrument

Number R0003699, Vol 784, Page 179 of the real property records of Gaines County, Texas.

IT IS THEREFORE ORDERED that the Applicant may proceed with foreclosure of the

Property pursuant to TEX. PROP. CODE § 51,002 and the subject Security Instrument.

SIGNED this 2/ \_day of \_ 2016. hildenecht GE PRESIDING

Approved As To Form And Entry Requested:

HARVEY LAW OROUP

By:

Kelly # Havey SBN: 09180150 Kelly@kellyharvey.com Mia D. Searles SBN: 24068544 Mia@kellyharvey.com Jerry W. Mason SBN: 24081794 Jerry@kellyharvey.com P.O. Box 131407 Houston, Texas 77219 Tel. (832) 922-4000 Fox. (832) 922-6262 ATTORNEYS FOR APPLICANT

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