

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public non-judicial foreclosure sale.

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

Lot Six (6) in Block C of Robinwood Estates, addition No. 1, an Addition to the City of Seagoville, Texas, according to the Map thereof Record(ed) in the Volume 22, Page 55 of the Map Records of Dallas County, Texas (the "Property").

2. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

FILED
2017 SEP 11 PM 12:56

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

Date: OCTOBER 3, 2017

Time: The sale shall begin no earlier than 11:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: DALLAS County Courthouse (George L. Allen Sr. Courts Building, 600 Commerce Street, Dallas, TX 75202) in Dallas, Texas, or at the location and address designated by the Commissioners Court of said county, pursuant to 51.002 of the Texas Property Code as the location and address where the sale is to be held. The sale shall take place 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.

3. **Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. If a purchaser desires to pay with cashier's checks, they should be made payable to Anderson Vela, L.L.P. or endorsed in accordance with the instructions by the Trustee. The purchase price in a sale held by the undersigned herein is payable immediately on acceptance of the bid by the undersigned trustee or substitute trustee. The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee. If the Foreclosure Sale is passed, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

4. The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

5. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

6. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust/Security Instrument ("Deed of Trust") executed by Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a Neva Joy Perry a/k/a Neva Perry and William Marion Perry a/k/a William Perry a/k/a W.M. Perry ("Debtor"). Said Deed of Trust secures a Promissory Note/Loan Agreement, and any renewals, extensions or modifications thereof, dated September 26, 2008, as adjusted and executed by Debtor in the Original Principal Amount of \$50,660.43. The current beneficiary of the Deed of Trust is U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, 7144 E Stetson Dr, Suite 440, Scottsdale, AZ 85251. The Deed of Trust is dated September 26, 2008, as adjusted, designating ERICA MUNOZ as the Original Trustee and is recorded in the office of the County Clerk of DALLAS County, Texas, under Instrument No. 20080320421, Of the Real Property Records of DALLAS County, Texas. The foreclosure of this mortgage is being administered by a mortgage servicer representing the mortgagee under a servicing agreement. Questions concerning the sale may be directed to the undersigned, Richard E. Anderson, 4920 Westport Drive, The Colony, Texas 75056, who sent this notice, or to the mortgage servicer, SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501.

7. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. **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.**

DATED

SEP 11 2017



David Garvin, Jack Beckman, Kelly Goddard, Bernice Young,
Richard E. Anderson, Ray Vela, Cesar DeLaGarza
4920 Westport Drive
The Colony, Texas 75056
214.276.1545 - telephone
214.276.1546 - facsimile
Substitute Trustees

SN/257082

NO. DC-16-07035

**U. S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF THE
PRESTON RIDGE PARTNERS
INVESTMENTS TRUST,**

PLAINTIFF

VS.

**THE UNKNOWN HEIRS OF NEVA JOY
STUBBLEFIELD PERRY A/K/A NEVA JOY
STUBBLEFIELD A/K/A NEVA JOY PERRY
A/K/A NEVA PERRY AND THE UNKNOWN
HEIRS OF WILLIAM MARION PERRY
A/K/A WILLIAM PERRY A/K/A W.M.
PERRY,**

**AND KNOWN HEIRS CECIL PERRY,
ROBERT PERRY, AND GLECIA GAYLE
NICHOLSON**

DEFENDANTS

AND

2906 Wanda Way Seagoville, TX 75159

IN THE DISTRICT COURT

116TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

FINAL JUDGMENT

ON THIS DAY, the Court called this matter for final hearing. Plaintiff, U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, appeared by and through its attorney of record. Defendants The Unknown heirs of Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a Neva Joy Perry a/k/a Neva Perry and the Unknown Heirs of William Marion Perry a/k/a William Perry a/k/a W.M. Perry ("Unknown Heirs Defendants") appeared through the Attorney Ad Litem, Ryan Browne. CECIL PERRY, ROBERT PERRY AND GLECIA GAYLE NICHOLSON, the known

heirs of Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a Neva Joy Perry a/k/a Neva Perry and William Marion Perry a/k/a William Perry a/k/a W.M. Perry, although duly served, have failed to file a response or answer to Plaintiff's Second Amended Petition filed in the above cause. The Court determined it had jurisdiction over the subject matter and the parties to this proceeding.

The Court finds that, CECIL PERRY, was served with citation on or about JANUARY 14, 2017; ROBERT PERRY, was served with citation on or about FEBRUARY 3, 2017 and that GLECIA GAYLE NICHOLSON, was served with citation on or about FEBRUARY 11, 2017.

The returns of service as proof of original service on Defendants CECIL PERRY, ROBERT PERRY and GLECIA GAYLE NICHOLSON have been on file with the clerk of the Court ten days, exclusive of the day of filing and the Day of Judgment. The Court finds that the Unknown Heirs of Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a Neva Joy Perry a/k/a Neva Perry and the Unknown heirs of William Marion Perry a/k/a William Perry a/k/a W.M. Perry were properly served with citation by publication. The Attorney ad Litem appointed by the Court to represent any interest(s) of the Unknown Heirs Defendants has filed an Answer on their behalf and has no reason to oppose the relief sought as no unknown heirs have been located or found after diligent search/inquiry.

The Court further finds that under Texas Rule of Civil Procedure 736.7, the Application and the Affidavit supporting it are prima facie evidence of the material facts alleged in the Application and Affidavit. After reviewing the Application and the other pleadings on file, including the affidavits attached thereto, the argument of the attorneys of record for the parties and the agreements of parties, the Court finds that:

1. The Court has jurisdiction over the subject matter and the parties.
2. The Application filed in this cause complies with Rule 736(1) and concerns the following real property and improvements:

Lot Six(6) in Block C of Robinwood Estates, addition No. 1, an Addition to the City of Seagoville, Texas, according to the Map thereof Recorded in the Volume 22, Page 55 of the Map Records of Dallas County, Texas (the "Property").

The lien to be foreclosed is indexed and recorded at Instrument Number Document No. 20080320421 and recorded in the real property records of Dallas County, Texas.

3. Defendants CECIL PERRY, ROBERT PERRY and GLECIA GAYLE NICHOLSON have neither answered nor appeared within the time allowed by law and have wholly defaulted.

4. The Unknown Heirs Defendants, through their attorney ad litem, Ryan Browne, do not oppose the entry of this Judgment.

5. The damages in Plaintiff's Second Amended Petition are liquidated and proven by a written instrument.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

The claims asserted in Plaintiff's Second Amended Petition have been proved, including the elements of Rule 736(1)(E) and those facts are adopted by the Court and incorporated by reference in this order.

U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust is the holder of a Texas Home Equity Note dated September 26, 2008 in the original principal amount of \$50,660.43 executed by William Marion Perry a/k/a William Perry a/k/a W.M. Perry and Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a Neva Joy Perry

a/k/a Neva Perry ("Note"). The Note is secured by a Texas Home Equity Security Instrument executed by the deceased, and recorded as Instrument No. 20080320421, in the Official Records of Dallas County, Texas, against the property located at 2906 Wanda Way, Seagoville, Texas 75159.

The legal description of the property is:

Lot Six(6) in Block C of Robinwood Estates, addition No. 1, an Addition to the City of Seagoville, Texas, according to the Map thereof Recorded in the Volume 22, Page 55 of the Map Records of Dallas County, Texas

The regular monthly payment on the Note was \$518.93. Borrowers defaulted on the Note by failing to make the payment which was due in April 2013, and all the months since then.

As of April 2016, the loan was thirty-seven months delinquent. The amount required to reinstate the loan at that time was \$13,923.40.

On May 29, 2015, Demand notice to Borrower(s) advising that the Note and Security Instrument were in default. As of May 29, 2015, the total payoff under said loan was due in the amount of \$65,014.01. The notice gave the Borrower(s) an opportunity to cure the default by paying the past due sums within thirty (30) days. The notice also advised that the total balance due under the Note would be accelerated and would be immediately due and payable if the Note was not brought current within thirty (30) days. The default was not cured within the thirty (30) day period. Consequently, the total balance due under the Note was accelerated and written notice of loan acceleration and demand for payment was sent to Borrower(s). The default on the loan has not been cured.

The Defendants last known addresses identified in the Application are:

Unknown Heirs of Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a
Neva Joy Perry a/k/a Neva Perry
C/O Ryan Browne
REYES | BROWNE | REILLEY
5950 Berkshire Lane
Suite 410
Dallas, Texas 75225

Unknown Heirs of William Marion Perry a/k/a William Perry a/k/a W.M. Perry
C/O Ryan Browne
REYES | BROWNE | REILLEY
5950 Berkshire Lane
Suite 410
Dallas, Texas 75225

Cecil Perry
1027 Thistle Drive
Mesquite, Texas 75149

Robert Perry
3176 N. Ridge
Crandall, Texas 75114

Glecia Gayle Nicholson
2906 Wanda Way
Seagoville, TX 75159

CECIL PERRY, ROBERT PERRY and GLECIA GAYLE NICHOLSON, the known heirs of Neva Joy Stubblefield Perry a/k/a Neva Joy Stubblefield a/k/a Neva Joy Perry a/k/a Neva Perry and William Marion Perry a/k/a William Perry a/k/a W.M. Perry ("Known Heirs Defendants ") and all Unknown Heirs Defendants have been made Defendants to this suit and are vested with all of the right, title and interest of the Decedents in and to the real property and improvements commonly known as 2906 Wanda Way, Seagoville, Texas 75159, and being further legally described as:

Lot Six(6) in Block C of Robinwood Estates, addition No. 1, an Addition to the City of Seagoville, Texas, according to the Map thereof Recorded in the Volume 22, Page 55 of the Map Records of Dallas County, Texas.

Plaintiff U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, may proceed with a foreclosure sale under the terms of the security instrument and Tex. Prop. Code §51.002 and applicable law with respect to the secured Property made the subject of this proceeding, including an Order Allowing Foreclosure under the security instrument TRCP §735 or Plaintiff, U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, can proceed with foreclosure by an Order of Sale issued by this Court.

Plaintiff U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, shall be allowed to bid the amount of at least \$65,014.01, in part, or in its entirety, in lieu of cash at the foreclosure sale.

IT IS FURTHER ORDERED, that Plaintiff U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, have such writs and processes necessary for the collection, enforcement and execution of this Judgment.

IT IS FURTHER ORDERED, that a copy of this Order shall be sent to the Known Heirs Defendants with the notice of the date, time and place of the foreclosure sale;

IT IS FURTHER ORDERED, that Plaintiff U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, may communicate with the Known Heirs Defendants and all third parties reasonably necessary to conduct the foreclosure sale; and

IT IS FURTHER ORDERED, that Plaintiff U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, file a certified copy of this Order in the real property records of the county where the Property is located within ten (10) business days after the entry of this Order; however failure to timely record this Order shall not affect the validity of the foreclosure and defeat the presumption of Tex. Const. aft. XVI, §50(i);

IT IS FURTHER ORDERED that as part of the costs of court related to this matter, and payable by Plaintiff U.S. Bank Trust National Association, as Trustee of the Preston Ridge Partners Investments Trust, its successors in interest and/or assigns, the Attorney Ad Litem, Ryan Browne, is hereby granted the sum of \$ 2375 as fees and costs in this case. Mr. Browne is also fully discharged from any further representation of the Unknown Heirs Defendants with regard to this cause or any subsequent foreclosure.

It is further **ORDERED** that all other costs of court herein are taxed against the party who incurred them.

It is further **ORDERED** that this is a Final Judgment which may be appealed from the date of entry. This Judgment finally disposes of all parties and all claims and is appealable.

All relief not expressly granted herein is hereby expressly denied.

All other costs of court are taxed against the party incurring same.

All relief not expressly granted herein is denied.

SIGNED this 3rd day of August, 2017.



JUDGE PRESIDING

AGREED as to FORM:

ANDERSONVELA, L.L.P.

By:/s/ Richard E. Anderson

Richard E. Anderson
State Bar No. 01209010
4920 Westport Drive
The Colony, Texas 75056
(214) 276-1545 Telephone
(214) 276-1546 Facsimile
ATTORNEY FOR PLAINTIFF

/s/ Ryan J Browne

RYAN BROWNE
State Bar No. 00796262
REYES | BROWNE | REILLEY
5950 BERKSHIRE LANE
SUITE 410
DALLAS, TX 75225
(214) 526-7900 Telephone
(214) 526-7910 Facsimile
ryan@reyeslaw.com
ATTORNEY AD LITEM FOR
UNKNOWN HEIRS DEFENDANTS