

**NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE**

17 SEP -7 PM 1:27

**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.**

*RJms*

WHEREAS, on 12/26/2007, GLADYS PECK AND MARSHA PAVLAK AKA MARSHA PECK, 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 400, Volume 1700, Page 136, in the DEED OF TRUST OR REAL PROPERTY records of HUNT 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 July 17, 2017 under Cause No. 84719 in the 196TH Judicial District Court of HUNT COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 10/3/2017 beginning not earlier than 1:00 PM , or not later than three hours thereafter, I will sell said Real Estate in HUNT 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: 1425 ONEAL STREET, GREENVILLE, TX 75401  
Mortgage Servicer: Caliber Home Loans, Inc.  
Mortgage Servicer Address: 13801 WIRELESS WAY, OKLAHOMA CITY, OK, 73134  
Reinstatement Line: (800) 401-6587  
Noteholder: LSF9 Master Participation Trust, by its Trustee U.S. Bank Trust, N.A., through Caliber Home Loans, Inc., as attorney in fact for the Trustee

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, 9-6-17

*Randy Daniel*

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

Robert LaMont, David Sims, Harriett Fletcher,  
Sheryl LaMont, Allan Johnston, Sharon St.  
Pierre, Ronnie Hubbard, Randy Daniel,  
Substitute Trustee



ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE CITY OF GREENVILLE, HUNT COUNTY, TEXAS, BEING A

PART OF THE CHARLES A. WARFIELD SURVEY AND ALSO PART OF BLOCK NO. EIGHTEEN (18) OF THE MOULTON ADDITION TO THE CITY OF GREENVILLE, DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF O'NEAL STREET, WHICH IS THE NORTHEAST CORNER OF A LOT OF LAND CONVEYED BY W.W. CLUTTER AND WIFE, OLLIE A. CLUTTER, TO J.W. BARLOW BY DEED DATED JANUARY 17, 1940, OF RECORD IN VOLUME 401 AT PAGE 572 OF DEED RECORDS OF HUNT COUNTY, TEXAS;

THENCE WEST WITH THE SOUTH BOUNDARY OF O'NEAL STREET 54 FEET TO THE NORTHWEST CORNER OF SAID LOT OF LAND;

THENCE SOUTH 110 FEET TO CORNER;

THENCE EAST 54 FEET TO CORNER OF EAST BOUNDARY LINE OF SAID LOT OF LAND;

THENCE NORTH 110 FEET TO THE PLACE OF BEGINNING, AND BEING THE SAME LAND DESCRIBED IN A CERTAIN DEED EXECUTED BY WILLIE BARLOW, ET AL., TO A.M. SPRINKLE, DATED SEPTEMBER 15, 1951, RECORDED IN VOLUME 511 PAGE 46 OF DEED RECORDS OF HUNT COUNTY, TEXAS, AND ALSO MORE COMMONLY KNOWN AS 1425 O'NEAL STREET, GREENVILLE, TEXAS.

CAUSE NO. 84719

<b>In Re: Order of Foreclosure</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Concerning</b>	§	
<b>1425 ONEAL STREET</b>	§	
<b>GREENVILLE, TX 75401</b>	§	
<b>Under Tex. R. Civ. P. 736</b>	§	
	§	
<b>Petitioner: U.S. BANK TRUST, N.A., AS</b>	§	<b>OF HUNT COUNTY, TEXAS</b>
<b>TRUSTEE FOR LSF9 MASTER</b>	§	
<b>PARTICIPATION TRUST</b>	§	
	§	
<b>Respondent(s): GLADYS PECK and</b>	§	
<b>MARSHA PAVLAK AKA MARSHA PECK</b>	§	<b>196<sup>th</sup> JUDICIAL DISTRICT</b>

**DEFAULT ORDER**

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is:

GLADYS PECK 1425 ONEAL STREET GREENVILLE, TX 75401	MARSHA PAVLAK AKA MARSHA PECK 1425 ONEAL STREET GREENVILLE, TX 75401
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Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.

3. The property that is the subject of this foreclosure proceeding is commonly known as 1425 ONEAL STREET, GREENVILLE, TX 75401 with the following legal description:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE CITY OF GREENVILLE, HUNT COUNTY, TEXAS, BEING A

PART OF THE CHARLES A. WARFIELD SURVEY AND ALSO PART OF BLOCK NO. EIGHTEEN (18) OF THE MOULTON ADDITION TO THE CITY OF GREENVILLE, DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF O'NEAL STREET, WHICH IS THE NORTHEAST CORNER OF A LOT OF LAND CONVEYED BY W.W. CLUTTER AND WIFE, OLLIE A. CLUTTER, TO J.W. BARLOW BY DEED DATED JANUARY 17, 1940, OF RECORD IN VOLUME 401 AT PAGE 572 OF DEED RECORDS OF HUNT COUNTY, TEXAS;

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4. The lien to be foreclosed is indexed or recorded at VOLUME 1700, PAGE 136 and recorded in the real property records of HUNT County, Texas.
5. The material facts establishing Respondent(s)' default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner, no Respondent subject this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 *et seq.*
7. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner, and its successors and/or assigns may proceed with foreclosure of the property described above in accordance with the applicable law and the loan agreement, contract, or lien sought to be foreclosed.

8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

Signed this 17 day of July, 2017

  
JUDGE PRESIDING

SUBMITTED BY:

**BARRETT DAFINERAPPIER TURNER & ENGEL, LLP**

By: 

Connie J. Vandergriff (ConnieVa@bdfgroup.com)

State Bar No. 24044550

4004 Belt Line Road, Suite 100

Addison, Texas 75001.

(972) 386-5040 (Phone)

(972) 341-0734 (Fax)

**ATTORNEYS FOR PETITIONER**