

FILE FOR RECORD
JENNIFER LINDENZWEIG
COUNTY CLERK HUNT CO. TX

17 NOV 30 AM 10:06
BY: *D. Strong*
DEPUTY

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

DEED OF TRUST INFORMATION:

Date: 04/25/2002
Grantor(s): MARCUS TUCKER AND WIFE, MELODY TUCKER
Original Mortgagee: NEW CENTURY MORTGAGE CORPORATION
Original Principal: \$38,400.00
Recording Information: Book 869 Page 86 Instrument 6331
Property County: Hunt
Property:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF GREENVILLE, HUNT COUNTY, TEXAS, BEING PART OF THE L.M. BRIZENDINE SURVEY, ABSTRACT NO. 70, BEING PART OF BLOCK 147, CITY OF GREENVILLE, BEING THE TRACT CONVEYED BY GUS M. HODGES ET UX TO L.H. DANIEL BY DEED RECORDED IN THE DEED RECORDS OF HUNT COUNTY IN VOL. 388, PAGE 421 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 1" STEEL BAR FOUND IN THE SOUTH LINE OF O'NEAL STREET AT A POINT N 89 DEG. 07 MIN. 26 SEC. E 82.60 FEET FROM THE EAST LINE OF HENDERSON STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID HODGES TO DANIEL TRACT; THENCE S 90 DEG. 00 MIN. 00 SEC. E WITH SAID SOUTH LIEN OF O'NEAL STREET 91.37 FEET TO A 1/2" IRON ROD SET FOR THE NORTHEAST CORNER OF SAID HODGES TO DANIEL TRACT; THENCE S 02 DEG. 17 MIN. 42 SEC. W 109.10 FEET TO A 1/2" IRON ROD SET IN FENCE AT THE SOUTHEAST CORNER OF SAID HODGES TO DANIEL TRACT, FOR A CORNER; THENCE N 89 DEG. 34 MIN. 56 SEC. W ALONG A FENCE 91.35 FEET TO A 1/2" IRON ROD SET AT A FENCE CORNER AT THE SOUTHWEST CORNER OF SAID TRACT, FOR A CORNER; THENCE N 02 DEG. 17 MIN. 42 SEC. E 108.44 FEET TO RETURN TO THE PLACE OF BEGINNING, CONTAINING 0.228 ACRES OF LAND AND ALSO BEING KNOWN AS 1813 O'NEAL STREET.

Reported Address: 1813 O'NEAL STREET, GREENVILLE, TX 75401

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ABFC 2002-NC1, ABFC ASSET-BACKED CERTIFICATES, SERIES 2002-NC1

Mortgage Servicer: Ocwen Loan Servicing, LLC

Current Beneficiary: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ABFC 2002-NC1, ABFC ASSET-BACKED CERTIFICATES, SERIES 2002-NC1

Mortgage Servicer Address: 1661 Worthington Rd, Suite 100, West Palm Beach, FL 33409

SALE INFORMATION:

Date of Sale: Tuesday, the 2nd day of January, 2018

Time of Sale: 1:00PM or within three hours thereafter.

Place of Sale: AT THE NORTH STEPS OF THE COURTHOUSE, INCLUDING THE HALLWAY AREA 20 FT INSIDE THE NORTH DOOR ON THE 2ND FLOOR in Hunt County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Hunt County Commissioner's Court.

Substitute Trustee(s): Randy Daniel, Cindy Daniel, Liz Hach, Cheryl Harris, Michael Burns, Braden Barnes, Elizabeth Hayes, Michael Hupf, Marilyn Jones, Suzanne Suarez, Jack Withem, or Alexander Wolfe, any to act

Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Randy Daniel, Cindy Daniel, Liz Hach, Cheryl Harris, Michael Burns, Braden Barnes, Elizabeth Hayes, Michael Hupf, Marilyn Jones, Suzanne Suarez, Jack Withem, or Alexander Wolfe, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Randy Daniel, Cindy Daniel, Liz Hach, Cheryl Harris, Michael Burns, Braden Barnes, Elizabeth Hayes, Michael Hupf, Marilyn Jones, Suzanne Suarez, Jack Withem, or Alexander Wolfe, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.

4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Very truly yours,

Buckley Madole, P.C.

CAUSE NO. 85243

IN RE: ORDER FOR FORECLOSURE
CONCERNING 1813 O'NEAL STREET,
GREENVILLE, TX 75401 UNDER TEX.
R. CIV. PROC. 736

IN THE DISTRICT COURT

PETITIONER:

OCWEN LOAN SERVICING, LLC AS
SERVICING AGENT FOR U.S. BANK
NATIONAL ASSOCIATION, AS
TRUSTEE FOR ABFC 2002-NC1, ABFC
ASSET-BACKED CERTIFICATES,
SERIES 2002-NC1

HUNT COUNTY, TEXAS

RESPONDENT(S):

MARCUS TUCKER, MELODY
TUCKER

354TH DISTRICT COURT

DEFAULT ORDER ALLOWING FORECLOSURE

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 are Marcus Tucker, whose last known address is 1625 Buena Vista St, Mesquite, TX 75149 and Melody Tucker, whose last known address is 1813 O'Neal Street, Greenville, TX 75401.
~~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 1813 O'Neal Street, Greenville, TX 75401 with the following legal description:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF GREENVILLE, HUNT COUNTY, TEXAS, BEING PART OF THE L.M. BRIZENDINE SURVEY, ABSTRACT NO. 70, BEING PART OF BLOCK 147, CITY OF GREENVILLE, BEING THE TRACT CONVEYED BY GUS M. HODGES ET UX TO L.H. DANIEL BY DEED RECORDED IN THE DEED RECORDS OF HUNT COUNTY IN VOL. 388, PAGE 421 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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4. The lien to be foreclosed is indexed or recorded at Volume: OR 869, Page: 86, Instrument Number: 6331 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 to 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 may proceed with foreclosure of the property

described above in accordance with 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 8th day of November, 2017.

Keli M. Aiken
JUDGE PRESIDING