

NOTICE OF ASSESSMENT LIEN SALE

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

WHEREAS, on or about February 5, 2016, a Notice of Lien was filed in the Deed Records of Dallas County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by Aurura Perez, the present owner of said real property, to The Homestead Homeowners Association (the "Association"); and

WHEREAS, the said Aurura Perez has continued to default in the payment of her indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owners to the Association;

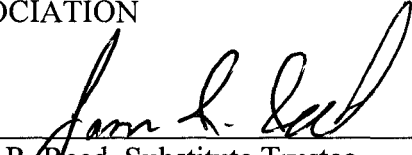
NOW, THEREFORE, notice is hereby given that on Tuesday, May 1, 2018, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate Outside on the north side of the George Allen Courts Building facing Commerce Street below the overhang, Dallas County, Texas, Dallas County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 12:00 o'clock noon, and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

Lot 15, Block E, of The Homestead Phase 1, an addition to the City of Sunnyvale, Dallas County, Texas, according to the Amended Plat thereof recorded in Volume 2000031, Page 2580, Map Records, Dallas County, Texas (293 Creekwood Drive)

WITNESS my hand this 10 day of April, 2018

THE HOMESTEAD HOMEOWNERS
ASSOCIATION

By: 
Jason R. Reed, Substitute Trustee
Riddle & Williams, P.C.
3811 Turtle Creek Blvd, Suite 500
Dallas, Texas 75219

FILED
2018 APR 10 PM 3:28
JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

The within notice was posted by me on the ___ day of _____, 2018, at the Dallas County Courthouse in Dallas, Texas.

CAUSE NO. DC-17-14493

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING	§	
	§	
293 Creekwood Drive	§	DALLAS COUNTY, TEXAS
Sunnyvale, TX 75182	§	
	§	
UNDER TEX. R. CIV. PROC. 736	§	101ST JUDICIAL DISTRICT
	§	
AND AURURA PEREZ		

ORDER FOR FORECLOSURE

On **October 24, 2017**, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **The Homestead Homeowners Association** (the "Association"), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association's assessment lien against 293 Creekwood Drive, Sunnyvale, Texas 75182, and further described as follows:

Lot 15, Block E, of The Homestead Phase I, an addition to the City of Sunnyvale, Dallas County, Texas, according to the Amended Plat thereof recorded in Volume 2000031, Page 2580, Map Records, Dallas County, Texas (293 Creekwood Drive) (hereinafter the "Property").

The Court finds that the Association's Application for Foreclosure complies with Rule 736.1 of the Tex. R. Civ. Proc. and was properly served in accordance with Rule 736.4 of the Tex. R. Civ. Proc. The Court further finds that Respondent has not previously filed a response, and the return of service has been on file with the clerk of the Court for at least 10 days before the date of this Order. The Court finds that the name and last known address of each Respondent is as follows:

Aurura Perez
293 Creekwood Drive
Sunnyvale, Texas 75182

Pursuant to Rule 736.7 of the Tex. R. Civ. Proc., all facts alleged in the Application for Foreclosure and supported by the affidavit of material facts constitute prima facie evidence of the truth of the matters alleged. The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Declaration of Covenants, Conditions, and Restrictions for The Homestead, Sunnyvale, Texas (the "Declaration"), as corrected and supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Article VI of the Declaration.
5. Article VI, Section 6.1 of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Article VI, Section 6.6 of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
7. During the period of Respondent's ownership, Respondent has been assessed maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.

8. Article VI, Section 6.1 of the Declaration and Texas Property Code 5.006 provide for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
9. As of October 18, 2017, Respondent was 24 months in default in her obligations to the Association for a total of Three Thousand Two Hundred and Eighty Nine Dollars and Eighty Nine Cents (\$3,289.89).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated September 15, 2015.
11. A Notice of Lien was filed on or about February 5, 2016 as Instrument No. 201600031366 in the office of the County Clerk of Dallas, Texas, and Respondent was notified of same by letter dated February 3, 2016.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the February 3, 2016 letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

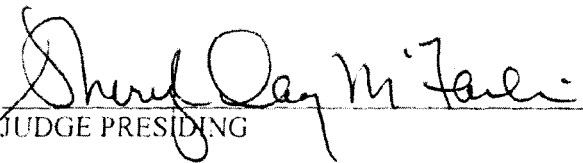
THE COURT THEREFORE GRANTS the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

IT IS THEREFORE ORDERED that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

IT IS FURTHER ORDERED that the Association shall send Respondent a copy of this Order with the notice of foreclosure sale sent to Respondent; and

IT IS FURTHER ORDERED that the Association may communicate with Respondent and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON March 27, 2018.


JUDGE PRESIDING

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 IN ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR 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.

FILED

2018 APR -9 PM 12: 28

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, JOEL NWOKE AND GERTRUDE NWOKE, HUSBAND AND WIFE delivered that one certain Deed of Trust dated JANUARY 8, 2009, which is recorded in INSTRUMENT NO. 200900115506 of the real property records of DALLAS County, Texas, conveying to the Trustee(s) therein named the real property therein described, to secure the payment of a Promissory Note in the principal amount of \$597,600.00 payable to the order of BANK OF TEXAS, N.A., to which reference is hereby made for a description of the Promissory Note, the terms and covenants of the Deed of Trust, and the property therein conveyed; and

WHEREAS, default, as same is defined in the Promissory Note and/or the Deed of Trust, has occurred and the outstanding indebtedness on same is now wholly due; and

WHEREAS, the undersigned has been appointed Substitute Trustee in place of the original Trustee, upon the contingency and the manner authorized by the Deed of Trust; and

WHEREAS, BOKF, N.A., a national banking association d/b/a BANK OF OKLAHOMA, as successor in interest by merger to BANK OF TEXAS, N.A., the Mortgagee, or the Mortgage Servicer, has instructed a Substitute Trustee(s) to sell real property described in the Deed of Trust in order to satisfy the indebtedness secured thereby.

NOTICE IS HEREBY GIVEN that on Tuesday, MAY 1, 2018, beginning at 1:00 PM, or not later than three (3) hours after that time, a Substitute Trustee(s) will sell, to the highest bidder submitting cashier's check, certified check or money order, the following described real property:

BEING LOT 21, OF THE FALLS-PHASE ONE, AN ADDITION TO THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 2004034, PAGE 159 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

The sale will occur at that area designated by the Commissioners Court of DALLAS County, Texas, for such sales (OR AT THE AREA OUTSIDE ON THE NORTH SIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET BELOW THE OVERHANG).

NOTICE IS FURTHER GIVEN that the address of BANK OF OKLAHOMA, N.A., the Mortgagee or Mortgage Servicer, is 7060 S. YALE, STE 200, TULSA, OKLAHOMA 74136. Pursuant to the Texas Property Code, the Mortgage Servicer is authorized to administer a foreclosure sale. The name and address of a substitute trustee is Michael J. Schroeder, 3610 North Josey Lane, Suite 206, Carrollton, Texas 75007. A Substitute Trustee is authorized by the Texas Property Code to set reasonable conditions for the foreclosure sale.

Dated: APRIL 9, 2018.



SUBSTITUTE TRUSTEE(S)
MICHAEL J. SCHROEDER OR ROSALIE C.
SCHROEDER OR ERIKA J. BENNETT

FILE NO.: BOK-1599
PROPERTY: 216 ISLAND FALLS DRIVE
SUNNYVALE, TEXAS 75182

JOEL NWOKE

NOTICE SENT BY:
MICHAEL J. SCHROEDER
3610 NORTH JOSEY LANE, SUITE 206
CARROLLTON, TEXAS 75007
Tele: (972) 394-3086
Fax: (972) 394-1263

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 IN ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR 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.

FILED

2018 APR -9 PM 12: 28

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, JOEL NWOKE AND GERTRUDE NWOKE, HUSBAND AND WIFE delivered that one certain Homestead Lien Contract and Deed of Trust dated SEPTEMBER 7, 2010, which is recorded in INSTRUMENT NO. 201000283412 of the real property records of DALLAS County, Texas, conveying to the Trustee(s) therein named the real property therein described, to secure the payment of a Promissory Note in the principal amount of \$145,600.00 payable to the order of BANK OF TEXAS, N.A., to which reference is hereby made for a description of the Promissory Note, the terms and covenants of the Homestead Lien Contract and Deed of Trust, and the property therein conveyed; and

WHEREAS, default, as same is defined in the Promissory Note and/or the Homestead Lien Contract and Deed of Trust, has occurred and the outstanding indebtedness on same is now wholly due; and

WHEREAS, the undersigned has been appointed Substitute Trustee in place of the original Trustee, upon the contingency and the manner authorized by the Homestead Lien Contract and Deed of Trust; and

WHEREAS, BOKF, N.A., a national banking association d/b/a BANK OF TEXAS, the Mortgagee, or the Mortgage Servicer, has instructed a Substitute Trustee(s) to sell real property described in the Homestead Lien Contract and Deed of Trust in order to satisfy the indebtedness secured thereby.

NOTICE IS HEREBY GIVEN that on Tuesday, MAY 1, 2018, beginning at 1:00 PM, or not later than three (3) hours after that time, a Substitute Trustee(s) will sell, to the highest bidder submitting cashier's check, certified check or money order, the following described real property:

LOT 21, THE FALLS PHASE ONE, AN ADDITION TO THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 2004034, PAGE 159, MAP RECORDS, DALLAS COUNTY, TEXAS.

The sale will occur at that area designated by the Commissioners Court of DALLAS County, Texas, for such sales (OR AT THE AREA OUTSIDE ON THE NORTH SIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET BELOW THE OVERHANG).

NOTICE IS FURTHER GIVEN that the address of BOK FINANCIAL, the Mortgagee or Mortgage Servicer, is 3232 WEST RENO AVE., OKLAHOMA CITY, OKLAHOMA 73107. Pursuant to the Texas Property Code, the Mortgage Servicer is authorized to administer a foreclosure sale. The name and address of a substitute trustee is Michael J. Schroeder, 3610 North Josey Lane, Suite 206, Carrollton, Texas 75007. A Substitute Trustee is authorized by the Texas Property Code to set reasonable conditions for the foreclosure sale.

Dated: APRIL 9, 2018.



SUBSTITUTE TRUSTEE(S)
MICHAEL J. SCHROEDER OR ROSALIE C.
SCHROEDER OR ERIKA J. BENNETT

FILE NO.: BOK-1600
PROPERTY: 216 ISLAND FALLS DRIVE
SUNNYVALE, TEXAS 75182

JOEL NWOKE

NOTICE SENT BY:
MICHAEL J. SCHROEDER
3610 NORTH JOSEY LANE, SUITE 206
CARROLLTON, TEXAS 75007
Tele: (972) 394-3086
Fax: (972) 394-1263



201700071271

ORDER 1/3

Cause No. DC-16-15046

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT
CONCERNING	§	
	§	
216 ISLAND FALLS DR.	§	
SUNNYVALE, TX 75182	§	44 th JUDICIAL DISTRICT
	§	
	§	
UNDER TEX. R. CIV. PROC. 735, 736	§	DALLAS COUNTY

**ORDER ALLOWING FORECLOSURE OF LIEN UNDER
TEXAS CONSTITUTION ART. XVI, § 50(a)(6)(D)**

BANK OF TEXAS, N.A. ("Petitioner"), on behalf of itself and its successors and assigns, has brought before this Court its application for court order allowing foreclosure of lien under Tex. Const. Art. XVI, § 50(a)(6)(D). Having considered the evidence presented, the Court finds as follows:

1. The Application complies with TRCP 736(1);
2. The Respondents JOEL NWOKE and GERTRUDE NWOKE filed a response on December 15, 2016. No other respondent has previously filed a response to the Application; and
3. A copy of the Notice of the Application, together with certificate of service of the Notice, has been on filed with the Clerk of the Court for at least ten days inclusive of the date of filing.

IT IS, THEREFORE, ORDERED that:

1. BANK OF TEXAS, N.A. ("Petitioner"), its successors and assigns, is hereby authorized to serve a Notice of Sale upon Respondents and to proceed to foreclosure sale under the Security Instrument and Tex. Prop. Code § 51.002 concerning the real property having a street address of 216 ISLAND FALLS DR., SUNNYVALE, TX 75182 and a legal description

*no earlier than
the
April 4, 2017
first
Tuesday
date*

of:

LOT 21, THE FALLS PHASE ONE, AN ADDITION TO THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 2004034, PAGE 159, MAP RECORDS, DALLAS COUNTY, TEXAS.

2. A copy of this Order shall be sent to Respondents with the Notice of Sale by Petitioner or its successors or assigns.


3. Petitioner or its successors or assigns may communicate with the Respondents and all third parties reasonably necessary to conduct the foreclosure sale.

4. Petitioner or its successors or assigns shall mail notice of the foreclosure sale to counsel, if any, of the Respondents by Certified Mail.

5. Petitioner or its successors or assigns shall file a certified copy of this Order in the DALLAS County, Texas, real property records.

IT IS SO ORDERED.

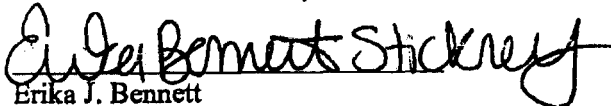
Signed: 1-27-17



Judge Presiding

APPROVED:

MICHAEL J. SCHROEDER, P.C.



Erika J. Bennett

State Bar No. 24085195

Email: erika@lawmjs.com

Michael J. Schroeder

State Bar No. 17817380

Email: mike@lawmjs.com

3610 North Josey Lane, Suite 206

Carrollton, TX 75007

Telephone: (972) 394-3086

Facsimile: (972) 394-1263

ATTORNEYS FOR PETITIONER

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
03/13/2017 11:52:46 AM
\$34.00



JF2

201700071271

STATE OF TEXAS }
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 13th day of March, A.D., 2017.

FELICIA PITRE, DISTRICT CLERK
DALLAS COUNTY, TEXAS

By Cecilia Flower Deputy