

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

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.

WHEREAS, on 12/18/2006, SAMUEL S. ALFARO AND WIFE, CARMEN ALFARO, executed a Deed of Trust conveying to THOMAS E. BLACK, JR. as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR HOME FUNDS DIRECT ITS SUCCESSORS AND ASSIGNS, in the payment of a debt therein described, said Deed of Trust being recorded under Instrument 288485, Volume XXX, Page XXX, and unrecorded loan modification dated 9/5/2012 in the DEED OF TRUST OR REAL PROPERTY records of ARANSAS 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 April 21, 2016 under Cause No. A-16-0001-CV-B in the 156TH Judicial District Court of ARANSAS COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 7/5/2016 beginning not earlier than 1:00 PM, or not later than three hours thereafter, I will sell said Real Estate in ARANSAS 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:

LOT NO. EIGHT (8), BLOCK NO. ONE HUNDRED TWENTY-THREE (123), OF A REPLAT OF LOTS 9-13, BLOCK 123, SMITH AND WOOD DIVISION, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE REPLAT RECORDED IN VOLUME 4, PAGE 28, PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

Property Address: 508 NORTH FUQUA STREET, ROCKPORT, TX 78382

Mortgage Servicer: Caliber Home Loans, Inc.

Mortgage Servicer Address: 13801 WIRELESS WAY, OKLAHOMA CITY, OK, 73134

Noteholder: The Bank of New York Mellon, as Trustee for CIT Mortgage Loan Trust 2007-1

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, 6-9-16



Jim Rector, Denise Rector, Leslye Evans, Jo Woolsey, W.D. Larew, Vicki Hammonds, Arnold Mendoza, Substitute Trustee

When recorded please return to:

Caliber Home Loans, Inc. – Document Control
13801 WIRELESS WAY
OKLAHOMA CITY, OK 73134



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 508 NORTH FUQUA STREET, ROCKPORT, TX 78382 with the following legal description:

LOT NO. EIGHT (8), BLOCK NO. ONE HUNDRED TWENTY-THREE (123), OF A REPLAT OF LOTS 9-13, BLOCK 123, SMITH AND WOOD DIVISION, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, ACCORDING TO THE REPLAT RECORDED IN VOLUME 4, PAGE 28, PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

4. The lien to be foreclosed is indexed or recorded at CLERK'S FILE NO. 288485 and recorded in the real property records of ARANSAS 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.

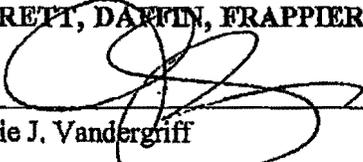
Signed this 21st day of April, 2016



JUDGE PRESIDING

SUBMITTED BY:

BARRETT, DARRIN, FRAPPIER, TURNER & ENGEL, LLP

By: 

Connie J. Vandergriff

State Bar No. 24044550

ConnieVa@bdfgroup.com

15000 Surveyor Blvd., Suite 100

Addison, Texas 75001

972-386-5040 (Phone)

972-386-7673 (Fax)

ATTORNEYS FOR PETITIONER

FILED

AT 11:20 M.

JUN 09 2016

VALERIE K. AMASON
COUNTY CLERK, ARANSAS CO., TEXAS