

**NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE**

**DEED OF TRUST INFORMATION:**

Date: 09/13/1999  
Grantor(s): BURNIS C CHANNEL AND CHRISTINE CHANNEL, HUSBAND AND WIFE  
Original Mortgagee: AMERICA'S MONEYLINE, INC  
Original Principal: \$31,200.00  
Recording Information: Instrument 5311  
Property County: Cass  
Property:

ALL THAT CERTAIN 0.406 ACRE TRACT OF LAND IN THE CITY OF ATLANTA, JANE RICHEY SURVEY A-877 IN CASS CO. TX, BEING ALL OF THAT SAME TRACT OF LAND CONVEYED TO BURNIS C. CHANNEL ET UX BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOL. 842, PG. 368 OF THE REAL PROPERTY RECORDS OF CASS CO. TX, SAID 0.406 ACRE TRACT IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4" IRON ROD FOUND AT A CHAIN LINK FENCE CORNER POST IN THE NORTH LINE OF WHITE ST. FOR THE SOUTHEAST CORNER OF LOT 8 OF THE PARTITION OF THE GUS STEGER 2 ACRE TRACT AS RECORDED IN VOL. 2, PG. 97 OF THE PLAT RECORDS, AS CONVEYED TO ELLA M. WASHINGTON BY WARRANTY DEED RECORDED IN VOL. 529, PAGE 184, THE SOUTHWEST CORNER OF THIS DESCRIBED TRACT;

THENCE: N 00 DEGREES 24' 31" E, 149.98' ALONG A CHAIN LINK AND NET WIRE FENCE AT A 2 1/2" ANGLE IRON FOUND AT A CROSS-TIE FENCE CORNER POST IN THE SOUTH LINE OF LOT 4 OF SAID PARTITION, AS CONVEYED TO BURLEE HARVEY BY WARRANTY DEED RECORDED IN VOL. 837, PG. 759, FOR THE NORTHEAST CORNER OF SAID LOT 8, THE NORTHWEST CORNER OF THIS DESCRIBED TRACT;

THENCE: N 89 DEGREES 46' 35" E, AT 16.39' PASS A 1/2" REBAR FOUND 0.16' RT. FOR THE SOUTHEAST CORNER OF SAID LOT 4, THE SOUTHWEST CORNER OF LOT 5 OF SAID PARTITION, AS CONVEYED TO JIM WALTER HOMES BY SUBSTITUTE TRUSTEE'S DEED RECORDED IN VOL. 801, PG. 556, CONTINUING A TOTAL DISTANCE OF 148.49' GENERALLY ALONG A CHAIN LINK FENCE TO A 2 1/2" ANGLE IRON FOUND AT A CROSS-TIE FENCE CORNER POST FOR THE SOUTHEAST CORNER OF LOT 6 OF SAID PARTITION, AS CONVEYED TO C. W. KIRK, JR. ET UX BY WARRANTY DEED RECORDED IN VOL. 549, PG. 683, THE NORTHWEST CORNER OF A 0.36 ACRE TRACT OF LAND CONVEYED TO KAREN L. MICKENS BY WARRANTY DEED RECORDED IN VOL. 929, PG. 284, THE NORTHEAST CORNER OF THIS DESCRIBED TRACT;

THENCE: S 01 DEGREES 23' 27" E, 50.00' ALONG A CHAIN LINK FENCE TO A 1/2" REBAR SET FOR THE NORTHEAST CORNER OF A CALLED 63' X 115' TRACT OF LAND CONVEYED TO BURNIS C. CHANNEL ET UX BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOL. 495, PG. 316, THE MOST EASTERLY SOUTHEAST CORNER OF THIS DESCRIBED TRACT;

THENCE: S 89 DEGREES 46' 35" W, 53.71' ALONG A LINE TO A 3/4" REBAR SET FOR THE NORTHWEST CORNER OF SAID CHANNEL TRACT, AN INTERIOR CORNER OF THIS DESCRIBED TRACT;

THENCE S. 01 DEGREES 23' 27" E, 108.23' ALONG A LINE TO A 3/4" REBAR SET IN THE NORTH LINE OF WHITE ST. FOR THE SOUTHWEST CORNER OF SAID CHANNEL TRACT, THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS DESCRIBED TRACT, FROM WHICH A CHAIN LINK FENCE CORNER POST BEARS N 59 DEGREES 12' 38" W, 3.62';

THENCE: N 85 DEGREES 30' 16" W, 100.00' GENERALLY ALONG A CHAIN LINK FENCE TO THE POINT OF BEGINNING, CONTAINING 0.406 ACRE OF LAND, MORE OR LESS.

Reported Address: 408 WHITE STREET, ATLANTA, TX 75551

**MORTGAGE SERVICING INFORMATION:**

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

Current Mortgagee: The Bank of New York Mellon f/k/a The Bank of New York, as Successor Trustee to JPMorgan Chase Bank, N.A., successor by merger to Chase Bank of Texas, National Association for Saxon Asset Securities Trust 1999-5, Mortgage Loan Asset Backed Certificates, Series 1999-5

Mortgage Servicer: Owen Loan Servicing, LLC

Current Beneficiary: The Bank of New York Mellon f/k/a The Bank of New York, as Successor Trustee to JPMorgan Chase Bank, N.A., successor by merger to Chase Bank of Texas, National Association for Saxon Asset Securities Trust 1999-5, Mortgage Loan Asset Backed Certificates, Series 1999-5

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

FILED FOR RECORD  
2017 DEC 28 AM 10:02  
AMY L. VARNELL  
CASS COUNTY CLERK

**SALE INFORMATION:**

**Date of Sale:** Tuesday, the 6th day of February, 2018  
**Time of Sale:** 10:00AM or within three hours thereafter.  
**Place of Sale:** THE NORTH ENTRANCE OF THE CASS COUNTY COURTHOUSE LOCATED ON HOUSTON STREET, LINDEN, TEXAS in Cass County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Cass County Commissioner's Court.

**Substitute Trustee(s):** Pat Walker, Sue Spasic, Michael Burns, 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 Pat Walker, Sue Spasic, Michael Burns, 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. Pat Walker, Sue Spasic, Michael Burns, 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,

Bonial & Associates, P.C. f/k/a Buckley Madole, P.C.

FILED FOR RECORD  
CASS COUNTY, TEXAS  
12/19/2017 4:17 PM  
JAMIE ALBERTSON  
DISTRICT CLERK

CAUSE NO. 17C475

IN RE: ORDER FOR FORECLOSURE  
CONCERNING 408 WHITE STREET,  
ATLANTA, TX 75551 UNDER TEX. R.  
CIV. PROC. 736

IN THE DISTRICT COURT

PETITIONER:

OCWEN LOAN SERVICING, LLC AS  
SERVICING AGENT FOR THE BANK  
OF NEW YORK MELLON F/K/A THE  
BANK OF NEW YORK, AS  
SUCCESSOR TRUSTEE TO  
JPMORGAN CHASE BANK, N.A.,  
SUCCESSOR BY MERGER TO CHASE  
BANK OF TEXAS, NATIONAL  
ASSOCIATION FOR SAXON ASSET  
SECURITIES TRUST 1999-5,  
MORTGAGE LOAN ASSET BACKED  
CERTIFICATES, SERIES 1999-5

CASS COUNTY, TEXAS

RESPONDENT(S):

BERNARD ZAMETRA CHANNEL IN  
HIS CAPACITY AS INDEPENDENT  
EXECUTOR OF THE ESTATE OF B.C.  
CHANNEL, SR, AKA BURNIS C  
CHANNEL, DECEASED; CHRISTINE  
CHANNEL, DECEASED

5TH 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 is Bernard Zametra Channel in his capacity as Independent Executor of the Estate of B. C. Channel, Sr, AKA Burnis C Channel, Deceased, who is not an Obligor or Mortgagor under the Deed of Trust, and Christine Channel, Deceased, whose last known address is 315 NW

65th Street, Lawton, OK 73505. 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 408 White Street, Atlanta, TX 75551 with the following legal description:

ALL THAT CERTAIN 0.406 ACRE TRACT OF LAND IN THE CITY OF ATLANTA, JANE RICHEY SURVEY A-877 IN CASS CO. TX. BEING ALL OF THAT SAME TRACT OF LAND CONVEYED TO BURNIS C. CHANNEL ET UX BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOL. 842, PG. 368 OF THE REAL PROPERTY RECORDS OF CASS CO. TX. SAID 0.406 ACRE TRACT IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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4. The lien to be foreclosed is indexed or recorded at Instrument Number: 5311 and recorded in the real property records of Cass 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 19th day of December, 2017.

  
JUDGE PRESIDING