

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED AT 10:03 CLOCK AM

Angelina

~~Cass~~ County Deed of Trust

OCT 15 2013

JOANNI STAIN,
County Clerk, County Court at Law
Angelina County, Texas
BY _____

Date: November 29, 2006

Amount: \$68,000.00

Grantor(s): Eric Chatman and Sirenda Chatman

Original Mortgagee: Capital One, National Association

Current Mortgagee: Capital One, National Association

Recording Information: under Instrument # 2006-00223299 of the Official Public Records of Real Property of Angelina County Texas

Legal Description:

LOT ONE (1), BLOCK NO. FOUR (4), RAINBOW ADDITION, AN ADDITION TO THE CITY OF LUFKIN RECORDED IN CABINET A, SLIDE 51-B OF THE MAP AND PLAT RECORDS OF ANGELINA COUNTY, TEXAS.

Date of Sale: November 5, 2013

Earliest Time Sale Will Begin: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 p.m.

Place of Sale: The Angelina County Courthouse Annex, 606 Lufkin Ave., in the hallway outside the Commissioner's Court adjacent to the atrium.

The undersigned has been appointed as Substitute Trustee(s), each empowered to act independently, in the place of said Original Trustee, upon the contingency and in the manner authorized by said Deed of Trust.

The Substitute Trustee will sell the Property to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

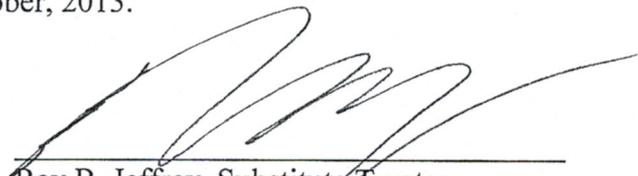
Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

NOTICE IS FURTHER GIVEN that, except to the extent that the Substitute Trustee(s) may bind and obligate the Mortgagors to warrant title to the Property under the terms of the Deed of Trust,

conveyance of the Property shall be made 'AS IS' 'WHERE IS' without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

Further, this sale is being conducted and is pursuant to that certain Order Granting Application For Order Of Foreclosure And Sale Of Texas Homestead Property Pursuant to T.R.C.P. 736, signed June 12, 2013, in Cause No. CV-02049-1301; In Re: Order for Foreclosure Concerning 2508 Hickory Street, Lufkin, Texas 75901; In the 159th Judicial District, Angelina County, Texas, a copy of which is attached hereto as Exhibit "1". Additionally, an Affidavit of Military Status and Affidavit of Service of Notice of Substitute Trustee's Sale is attached hereto as Exhibit "2."

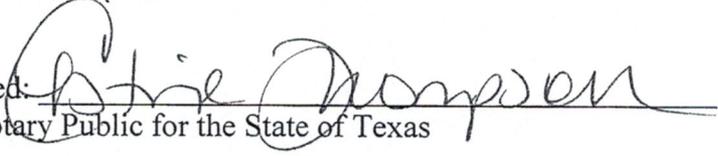
EXECUTED this the 4 day of October, 2013.



Ray B. Jeffrey, Substitute Trustee
Jeffrey & Mitchell, P.C.
2631 Bulverde Rd., Suite 105
Bulverde, TX 78163
(830) 438-8935 Telephone
(830) 438-4958 Facsimile

STATE OF TEXAS)
)
COUNTY OF COMAL)

Given under my hand and seal of office this 14 day of October, 2013.

Signed: 
Notary Public for the State of Texas



[NOTARIAL SEAL]

ENTERED

FILED

CAUSE NO. CV-02049-1301

IN RE: ORDER FOR FORECLOSURE
CONCERNING

2013 JUN 12 PM 3:11
IN THE DISTRICT COURT

REBA D. SQUIRES
CLERK DISTRICT COURT
ANGELINA COUNTY, TEXAS

159TH JUDICIAL DISTRICT

2508 HICKORY STREET,
LUFKIN, TX 75901

UNDER TEX. R. CIV. P. 736

ANGELINA COUNTY, TEXAS

ORDER GRANTING APPLICATION FOR ORDER OF FORECLOSURE AND SALE
OF TEXAS HOMESTEAD PROPERTY UNDER TEX. R. CIV. P. 736

In re: Order for Foreclosure Concerning 2508 Hickory Street, Lufkin, Texas 75901. See exhibit "A" for true and correct copy of full legal description.

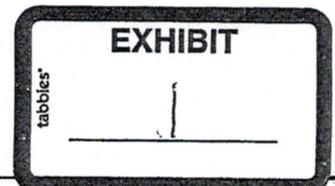
In the District Court
of Angelina County, Texas
159th Judicial District

ORDER

The court finds that:

1. On November 29, 2006, Respondents, ERIC CHATMAN and SIRENDA CHATMAN, executed a security instrument encumbering the property in the form of a Texas Home Equity Real Estate Note (the "Note") payable to Capital One, National Association, in the amount of \$68,000.00, wherein Respondents agreed to make two-hundred forty (240) regular monthly payments in the amount of \$659.99/month, beginning on December 29, 2006, with the final payment of the entire unpaid balance of principal and accrued unpaid interest due on November 29, 2026.
2. Petitioner, CAPITAL ONE, NATIONAL ASSOCIATION, through its attorney, delivered to Respondents at the property address, by certified mail return receipt requested and first class mail, the requisite Notice of Default, Demand for Payment and Notice of Intent to Accelerate dated October 30, 2012 (the "Notice").
3. On January 23, 2013, Petitioner, filed an application herein for an order foreclosing a lien on real property and ordering the sale of such property. A response was filed March 13, 2013.

ORDER GRANTING APPLICATION FOR ORDER OF FORECLOSURE



4. The mailing address of the property is 2508 Hickory Street, Lufkin, Texas 75901; the legal description of the property is attached as exhibit "A".
5. The names of Respondents are Eric Chatman and Sirenda Chatman. Respondents' last known mailing address is 2508 Hickory Street, Lufkin, Texas 75901.
6. Petitioner's lien is secured by that certain Texas Home Equity Deed of Trust, recorded under Instrument # 2006-00223299 of the Official Public Records of Real Property of Angelina County, Texas.
7. After considering the evidence presented the court finds that the Petitioner has proved the elements of Rule 736.1(E), and the application is therefore granted.

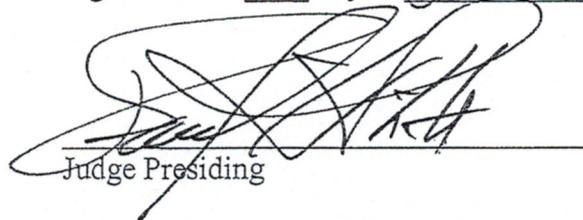
ORDERED, ADJUDGED AND DECREED that Capital One, National Association, its successors, or assigns, shall be allowed to proceed with foreclosure of the lien and sale of the property in accordance with Texas Property Code Section 51.002, and the Deed of Trust or Security Instrument held by Capital One, National Association, its successors or assigns, which are secured by the property located at 2508 Hickory Street, Lufkin, Texas 75901; the legal description of the property is attached as exhibit "A".

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Applicant or its counsel shall mail a copy of this signed order to respondent with the notice of sale required under Section 51.002 of the Texas Property Code. Applicant may communicate with respondents and all third parties necessary to conduct the foreclosure sale.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if respondent is represented by legal counsel, applicant or its counsel shall mail notice of the foreclosure sale to Respondent's counsel via certified mail.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Applicant shall file a certified copy of this order in the real property records of Angelina County, Texas within ten business days after the date of entry of this Order.

Signed on the 12 day of JUNE, 2013.

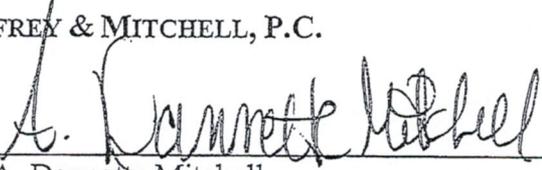


Judge Presiding

APPROVED AND ENTRY REQUESTED:

JEFFREY & MITCHELL, P.C.

By:


A. Dannelle Mitchell

State Bar Number 24039061

Ray B. Jeffrey

State Bar Number 10613700

2631 Bulverde Road, Suite 105

Bulverde, TX 78163

(830) 980-5757

(830) 438-4835 (Facsimile)

dmitchell@sjmlawyers.com

rjeffrey@sjmlawyers.com

ATTORNEYS FOR CAPITAL ONE, NATIONAL ASSOCIATION

EXHIBIT "A"

Legal Description

LOT ONE (1), BLOCK NO. FOUR (4), RAINBOW ADDITION, AN ADDITION TO THE CITY OF LUFKIN RECORDED IN CABINET A, SLIDE 51-B OF THE MAP AND PLAT RECORDS OF ANGELINA COUNTY, TEXAS.

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS COUNTY OF ANGELINA

I hereby certify that the above is a
true and correct copy of the original
record on file in my office.

4 pages
REBA SOUTYRES, DISTRICT CLERK, ANGELINA CO. TX

By *Cynthia Hauser*
Deputy

EXHIBIT "2"

AFFIDAVIT OF MILITARY SERVICE AND AFFIDAVIT OF SERVICE OF NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Ray B. Jeffrey, being of lawful age and being first duly sworn on oath, states and deposes as follows:

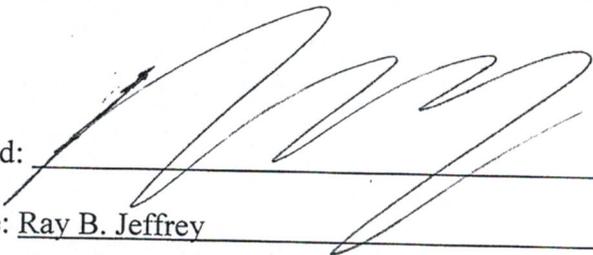
1. I am employed by Jeffrey & Mitchell, P.C. ("Firm"). The Firm was responsible for administration of the foreclosure sale conducted pursuant to that Texas Home Equity Deed of Trust dated November 29, 2006, granted by Eric Chatman and Sirenda Chatman ("Grantor") to Sally Brink, Trustee(s), and recorded in the office of the County Clerk under Instrument #2006-00223299, of the Official Public Records of Real Property of Angelina County, Texas (the "Deed of Trust"); and pursuant to that Order Granting Application For Order Of Foreclosure And Sale Of Texas Homestead Property Pursuant to T.R.C.P. 736, signed June 12, 2013, in Cause No. CV-02049-1301; In Re: Order for Foreclosure Concerning 2508 Hickory Street, Lufkin, Texas 75901; In the 159th Judicial District, Angelina County, Texas.

2. In the regular performance of my job functions, I have access to and am familiar with the Firm's business records (the "Records") relating to the administration of the above-described foreclosure sale (the "Sale"). The Records record transactions relating to the preparation for and conduct of the Sale (the "Transactions"), and it is the Firm's regular practice to make and keep such Records in the usual course of the Firm's business. The Records were made at or near the time of the Transactions documented thereby by a person with knowledge of the Transactions or from information transmitted by a person with knowledge of the Transactions. In connection with making this Affidavit, I reviewed and relied upon the Records.

3. According to the Records, the Firm, at least twenty-one (21) days preceding the date of the Sale, served or caused to be served written notice, by certified mail, on each debtor obligated to pay the indebtedness secured by the Deed of Trust. The notice, mailed to each such

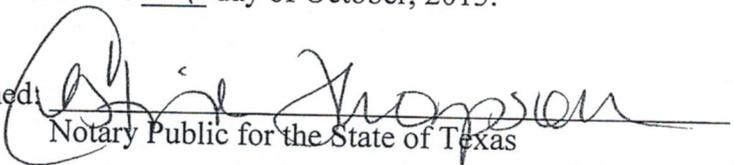
debtor's last known address, gave notice of the acceleration of the indebtedness and stated the time, place, and terms of the Sale.

4. According to the Records, (a) Grantor was alive as of the date of the Sale; (b) was not shown by the Department of Defense Manpower Data Center to have been on active duty with any branch of the Armed Forces of the United States of America during the nine (9) months preceding the date of the Sale; (c) did not have a pending petition for bankruptcy as of the date of the Sale; and (d) was not, as of the date of the Sale, a party in any divorce proceedings where a receiver was appointed.

Signed: 
Name: Ray B. Jeffrey

STATE OF TEXAS)
)
COUNTY OF COMAL)

Given under my hand and seal of office this 14 day of October, 2013.

Signed: 
Notary Public for the State of Texas

[NOTARIAL SEAL]