

TR
SALE

04/12/04 X527666
HC File X527666 200474936 \$0.00

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, on July 12, 1999, MICHAEL J. ALBERT, a single person, executed that certain Texas Home Equity Adjustable Rate Note (Libor Index - Rate Caps) (Cash Out - First Lien) in the original principal sum of FORTY-FOUR THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$44,100.00), bearing interest and being payable as therein set out to the order of NEW CENTURY MORTGAGE CORPORATION; said Texas Home Equity Adjustable Rate Note (Libor Index - Rate Caps) (Cash Out - First Lien) being secured by the Vendor's lien retained in the Deed of even date therewith covering the hereinafter described real property duly recorded, and being additionally secured by the Texas Home Equity Security Instrument (Cash Out - First Lien) of even date therewith to GEORGE M. SHANKS, JR., Trustee(s), covering the hereinafter described real property recorded in the office of the County Clerk under File No. U079156, Harris County, Texas; creating valid perfected first and prior liens on the following described real property lying and situated in Harris County, Texas, to-wit:

LOT FIVE (5), BLOCK TWO (2) OF PAMELA HEIGHTS, SECTION ONE (1), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 50, PAGE 74 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS;

together with the improvements located thereon; and

WHEREAS, an Order to Proceed with Notice of Foreclosure Sale and Foreclosure Sale was entered on March 1, 2004, under Cause No. 2003-69761, in the 113th Judicial District Court of Harris County, Texas;

WHEREAS OCWEN FEDERAL BANK, FSB is representing the current owner and holder of said Note, under a written Mortgage Servicing Agreement. The name and address of the Mortgagee is U. S. BANK, N. A. AS TRUSTEE, SUCCESSOR BY MERGER TO FIRSTAR BANK, N.A. SUCCESSOR IN INTEREST TO FIRSTAR BANK MILWAUKEE, N.A., AS TRUSTEE FOR SALOMON BROTHERS MORTGAGE SECURITIES VII, INC. MORTGAGE PASS-THROUGH CERTIFICATES SERIES 1999-NC4 c/o OCWEN FEDERAL BANK, FSB, 1675 Palm Beach Lakes Boulevard, West Palm Beach, FL 33401

WHEREAS, the Texas Home Equity Adjustable Rate Note (Libor Index - Rate Caps) (Cash Out - First Lien) is in default and the entire unpaid balance thereof is due and payable and Beneficiary has demanded payment of the Mortgage, and intends to have the power of sale set forth in the Texas Home Equity Security Instrument (Cash Out - First Lien) enforced; and

WHEREAS, the Beneficiary has appointed SANDRA L. DASIGENIS or JEFF LEVA or CHARLOTTE M. HARRIS or CAROLYN A. TAYLOR, as Substitute Trustee(s) under the Texas Home Equity Security Instrument (Cash Out - First Lien) and has directed the Substitute Trustee(s) to enforce the power of sale under the Texas Home Equity Security Instrument (Cash Out - First Lien) for the purpose of collecting the indebtedness described therein after giving notice of the time, place and terms of said sale, and the property to be sold, pursuant to the Texas Home Equity Security Instrument (Cash Out - First Lien) and the laws of the State of Texas;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I/we, SANDRA L. DASIGENIS or JEFF LEVA or CHARLOTTE M. HARRIS or CAROLYN A. TAYLOR, Substitute Trustee(s), hereby give notice that I/we will accordingly, after due publication of this Notice, and after having given written notice at least twenty-one (21) days preceding the date of such sale by certified mail to each debtor obligated to pay the Texas Home Equity Adjustable Rate Note (Libor Index - Rate Caps) (Cash Out - First Lien) and indebtedness secured by the Texas Home Equity Security Instrument (Cash Out - First Lien) at the address of each debtor according to the records of Beneficiary as required by the Texas Home Equity Security Instrument (Cash Out - First Lien) and the laws of the State of Texas, sell the Property at public auction to the highest bidder or bidders for cash in the area Northwest of the stairwell railing, on the first floor of the Family Law Center (a Harris County Courthouse) at 1115 Congress, Houston, Harris County, Texas, or any other area designated by the Commissioners Court of such County, pursuant to Section 51.002 of the Texas Property

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Code as the place where foreclosure sales are to take place, between the hours of 10:00 a.m. and 4:00 p.m., on the first Tuesday in May, 2004, the same being the 4th day of May, 2004. The foreclosure sale will be conducted between the hours of 10:00 a.m. and 1:00 p.m. The earliest time the foreclosure sale will begin will be 10:00 a.m.

EXECUTED in multiple originals on April 12, 2004.

Reference: 99803009

Sandra L. Dasigenis

SANDRA L. DASIGENIS or JEFF LEVA or CHARLOTTE
M. HARRIS or CAROLYN A. TAYLOR, Substitute
Trustee *ylw*

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Cause No. 2003-69761

In re: Order for Foreclosure Concerning
MICHAEL J. ALBERT

and

4306 KNOTTY OAKS TRAIL
HOUSTON, TEXAS 77045

IN THE DISTRICT COURT
OF HARRIS COUNTY, TEXAS
113th JUDICIAL DISTRICT

CHARLES BACKUS
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2004 FEB 13 PM 1:39

FBI
BY MAIL PROCESSING DEPUTY

ORDER TO PROCEED
WITH NOTICE OF FORECLOSURE SALE AND FORECLOSURE SALE

Came on to be considered the Application of U. S. BANK, N. A. AS TRUSTEE, SUCCESSOR BY MERGER TO FIRSTAR BANK, N.A. SUCCESSOR IN INTEREST TO FIRSTAR BANK MILWAUKEE, N.A., AS TRUSTEE FOR SALOMON BROTHERS MORTGAGE SECURITIES VII, INC. FLOATING RATE MORTGAGE PASS-THROUGH CERTIFICATES SERIES 1999-NC4, BY ITS ATTORNEY-IN-FACT AND SERVICER-IN-FACT, OCWEN FEDERAL BANK, FSB, for Expedited Foreclosure Proceeding Pursuant to Rule 736 of the Texas Rules of Civil Procedure relative to MICHAEL J. ALBERT (collectively, "Respondent") and that certain real property more particularly described as follows:

LOT FIVE (5), BLOCK TWO (2) OF PAMELA HEIGHTS, SECTION ONE (1), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 50, PAGE 74 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

which has a mailing address of 4306 Knotty Oaks Trail, Houston, Texas 77045 ("Property").

Whereas, a debt exists under the Texas Home Equity Note and Texas Home Equity Security Instrument executed by Respondent; the debt is secured by a lien created under TEX. CONST. art. XVI, § 50(a)(6) that encumbers the Property; a default under the Texas Home Equity Security Instrument exists; Applicant has given Respondent the requisite notices to cure the default and accelerate the maturity of the debt under the Texas Home Equity Security Instrument and TEX. PROP. CODE 51.002 and applicable law; and Applicant has given Respondent the requisite notice of this proceeding under Rule 736 of the Texas Rules of Civil Procedure. It is hereby

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ORDERED that Applicant, U. S. BANK, N. A. AS TRUSTEE, SUCCESSOR BY MERGER TO FIRSTAR BANK, N.A. SUCCESSOR IN INTEREST TO FIRSTAR BANK MILWAUKEE, N.A., AS TRUSTEE FOR SALOMON BROTHERS MORTGAGE SECURITIES VII, INC. FLOATING RATE MORTGAGE PASS-THROUGH CERTIFICATES SERIES 1999-NC4, BY ITS ATTORNEY-IN-FACT AND SERVICER-IN-FACT, OCWEN FEDERAL BANK, FSB is authorized to proceed with foreclosure under the Texas Home Equity Security Instrument executed by Respondent and TEX. PROP. CODE § 51.002. It is further

ORDERED that a copy of this Order shall be sent to Respondent with the Notice of Sale of the Property. It is further


ORDERED that the Applicant, U. S. BANK, N. A. AS TRUSTEE, SUCCESSOR BY MERGER TO FIRSTAR BANK, N.A. SUCCESSOR IN INTEREST TO FIRSTAR BANK MILWAUKEE, N.A., AS TRUSTEE FOR SALOMON BROTHERS MORTGAGE SECURITIES VII, INC. FLOATING RATE MORTGAGE PASS-THROUGH CERTIFICATES SERIES 1999-NC4, BY ITS ATTORNEY-IN-FACT AND SERVICER-IN-FACT, OCWEN FEDERAL BANK, FSB, may communicate with the Respondent and all third parties reasonably necessary to conduct the foreclosure sale of the Property, and, if Respondent is represented by legal counsel, notice of the foreclosure sale date shall also be mailed to legal counsel by certified mail.

DATED this 1st day of March, 2004.

JS
JUDGE PRESIDING

APPROVED:

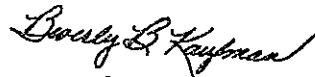
By:


Carolyn A. Taylor TBA #08526800
Dominique M. Vamer TBA #00791182
Jennine Hovell-Cox TBA #24002313
Brendetta A. Scott TBA #24012219
E. Ann Bruner TBA #24038674
HUGHES, WATTERS & ASKANASE, L.L.P.
1415 Louisiana, 37th Floor
Houston, Texas 77002
(713) 759-0818 telephone
(713) 759-6834 telecopier

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

APR 12 2004




Dorothy B. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

COPY