

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

FORECLOSURE SALE DEED

(With attached Affidavit and Notice of Foreclosure Sale for recording as one document)

Deed of Trust Date: August 25, 2003

Grantor(s): LOIS WASHINGTON

Original Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR AXIOM FINANCIAL SERVICES, ITS SUCCESSORS AND ASSIGNS

Current Mortgagee: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR CDC MORTGAGE CAPITAL TRUST 2003-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-HE4

Recording Information: Recorded 09/05/2003 in Document W993322 of the real property records of Harris County, Texas.

Property Legal Description: SEE EXHIBIT A

Date of Sale: 08/01/2023 **Time of Sale:** 12:11 PM

Place of Sale: 11,681 Square Feet area of covered concrete, being a 13,979 Square Feet area of covered concrete under the Bayou City Event Center Pavilion, save and except a 2,298 Square Feet Concession and Restroom area under said Pavilion, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

Buyer: Organicpath Investments, LLC, a Delaware Limited Liability Company
Buyer's Mailing Address: P.O. BOX 741209
HOUSTON, TX 77274

Amount of Sale: \$107,000.00

By Deed of Trust, Grantor conveyed to THOMAS E. BLACK, JR., as Trustee, certain property for the purpose of securing and enforcing payment of the indebtedness and obligations therein described, including but not limited to the Note and all renewals and extensions of the note. AVT TITLE SERVICES, LLC was appointed Substitute Trustees per the terms of the Deed of Trust and Texas Property Code Sections 51.0075 and 51.0076 and was requested to enforce the trust DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR CDC MORTGAGE CAPITAL TRUST 2003-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-HE4, the current mortgagee of the Deed of Trust, who requested AVT TITLE SERVICES, LLC, as Substitute Trustee, to enforce the trust of the Deed of Trust.

Pursuant to the requirements of the Deed of Trust and the laws of the state of Texas, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR CDC MORTGAGE CAPITAL TRUST 2003-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-HE4 obtained an Order from the UNITED STATES DISTRICT COURT - SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION on 05/22/2023 under Cause No. 4:23-cv-00933. A copy of the Order is attached hereto. Thereafter, written notice of the time, place, date, and terms of the public foreclosure sale of the Property was posted at the courthouse of Harris County, Texas, the county in which the Property is situated, and a copy of the notice was also filed with the county clerk of Harris County, Texas, each notice having been posted and filed for at least twenty-one days preceding the date of the foreclosure sale. Written notice of the time, date, place, and

RP-2023-303058

UNRECORDED COPY

terms of the foreclosure sale was served on behalf of the current Mortgagee by certified mail on each debtor who, according to the records of the current Mortgagee, is obligated to pay any of the indebtedness and obligations. The certified-mail notices were timely sent by depositing the notices in the United States mail, postage prepaid in proper amount, and addressed to each debtor at the debtor's last known address as shown by the records of the current Mortgagee at least twenty-one days preceding the date of the foreclosure. Written notice of default and of the opportunity to cure the default to avoid acceleration of the maturity of the note was served on behalf of the current Mortgagee by certified mail on each debtor who, according to the records of the current Mortgagee, is obligated to pay any of the indebtedness and obligations. The certified-mail notices were timely sent by depositing the notices in the United States mail, postage prepaid in proper amount, and addressed to each debtor at the debtor's last known address as shown by the records of the current Mortgagee at least thirty days preceding the date of the acceleration of the maturity of the note and the posting of the mortgaged Property for foreclosure.

In consideration of the premises and of the bid and payment of the amount of \$107,000.00, the highest bid by Buyer, I, as Substitute Trustee, by virtue of the authority conferred on me in the Deed of Trust, have GRANTED, SOLD, and CONVEYED all of the Property to Buyer and Buyer's heirs and assigns, to have and to hold the Property, together with the rights, privileges, and appurtenances thereto belonging unto Buyer and Buyer's heirs and assigns forever. I, as the Substitute Trustee, do hereby bind Grantor and Grantor's heirs and assigns to WARRANT and FOREVER DEFEND the Property to Buyer and Buyer's heirs and assigns forever, against the claim or claims of all persons claiming the same or any part thereof.

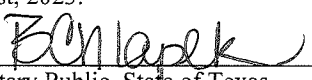
Executed on 7th day of August, 2023.


Name: Keller Mackie
Authorized agent for AVT TITLE SERVICES, LLC

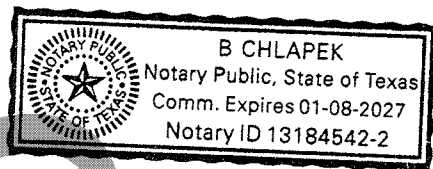
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Keller Mackie BEFORE ME, the undersigned authority, on this day personally appeared _____, as authorized agent for the Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 7th day of August, 2023.


Notary Public, State of Texas

xxxxx2267/09-301550-670-7
HEL
AFTER RECORDATION RETURN TO:
Mackie Wolf Zientz & Mann, P.C.
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, Texas 75254



AFFIDAVIT

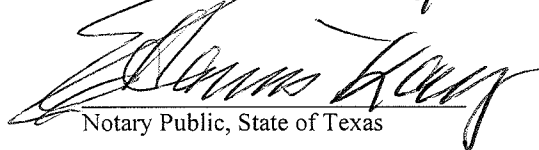
BEFORE ME, the undersigned on this day personally appeared ~~Michael Zientz, L. Keller Mackie, Brandon Wolf, Lori Liane Long, Chelsea Schneider, Ester Gonzales, or Karla Balli~~ and after being duly sworn, deposed and states under oath, as follows:

1. I am over the age of eighteen (18), have not been convicted of a crime of moral turpitude and have personal knowledge of the facts contained in this affidavit.
2. All notices required pursuant to the terms of the Deed of Trust and Texas Property Code Section 51.002(b) and (d) were provided to the debtors.
3. In accordance with Texas Property Code Section 51.002, the Notice of Sale was posted at least twenty-one (21) days prior to the date of sale at the proper location designated by the County Commissioner's Court. Additionally, a copy of the Notice of Sale was filed at least twenty-one (21) days prior to the date of sale in the office of the County Clerk of the county in which the sale occurred.
4. At this time of the Foreclosure Sale and twelve (12) months prior to the sale, the debtors were not in the armed services of the United States of America.
5. At the time of the Foreclosure Sale the debtor, LOIS WASHINGTON, was deceased on or about 5/23/2021, was not protected by any stay under the United States Bankruptcy Code and were not involved in any divorce proceedings where a receiver had been appointed.

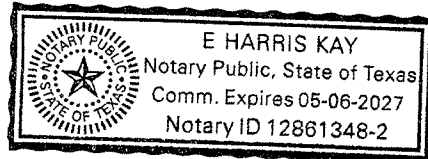
~~Michael Zientz~~
~~L. Keller Mackie~~
~~Brandon Wolf~~
~~Lori Liane Long~~
~~Chelsea Schneider~~
~~Ester Gonzales~~
~~Karla Balli~~

STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO before me by ~~Michael Zientz, L. Keller Mackie, Brandon Wolf, Lori Liane Long, Chelsea Schneider, Ester Gonzales, or Karla Balli~~ on this 7th day of August, 2023.


 Notary Public, State of Texas

MWZ#: 09-301550-670-7
 Property Address: 6234 RIETTA STREET, HOUSTON, TX 77016



RP-2023-303058

UNOFFICIAL COPY

EXHIBIT A

LOT 18, IN BLOCK 4, OF TIDWELL TIMBERS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 74, PAGE 37 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

UNOFFICIAL COPY

RP-2023-303058

ENTERED

May 22, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR CDC
MORTGAGE CAPITAL TRUST 2003-
HE4, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2003-HE4,**

Plaintiff,

Civil Action No. 4:23-cv-00933

v.

RODNEY WASHINGTON,

Defendant.

FINAL DEFAULT JUDGMENT

Came on to be considered the above-entitled and numbered cause wherein Plaintiff Deutsche Bank National Trust Company, as Trustee for CDC Mortgage Capital Trust 2003-HE4, Mortgage Pass-Through Certificates, Series 2003-HE4 ("Plaintiff") is the Plaintiff and Rodney Washington ("Defendant") is the Defendant. Despite having been duly and legally summoned to appear and answer, Defendant failed to appear and answer, and wholly made default on Plaintiff's claims against him.

Plaintiff's *Original Complaint* ("Complaint") was served upon the Defendant according to law and returned to the Clerk where it remained on file for the time required by law. The Court has read the pleadings and the papers on file, and is of the opinion that the allegations of Plaintiff's Complaint have been admitted by Defendant. The Court further finds that Plaintiff does not seek monetary damages against the Defendant, but instead seeks certain declarations and a judgment allowing foreclosure of the real property which is the subject of this action.

RP-2023-303058

COPY

UNOFFICIAL

In light of the Defendant's default and the nature of Plaintiff's claims, the Court orders as follows:

It is **ORDERED, ADJUDGED AND DECREED** that the material allegations of the Complaint be and are deemed admitted as to Defendant Rodney Washington. It is further,

ORDERED, ADJUDGED AND DECREED the Motion for Default Judgment is **GRANTED** in its entirety. It is further,

ORDERED, ADJUDGED AND DECREED that an event of default has occurred on that certain *Texas Home Equity Note (Fixed Rate – First Lien)* executed on or about August 25, 2003, by Decedent Lois Washington ("Decedent" or "Borrower"), in the principal amount of \$48,000.00, originally payable to Axiom Financial Services, a division of Accredited Home Lenders, Inc., a California Corporation ("Axiom") (hereinafter "Note"). It is further,

ORDERED, ADJUDGED AND DECREED that that certain *Texas Home Equity Security Instrument (First Lien)* dated August 25, 2003, executed by Decedent, and recorded as Instrument No. W99332 in the real property records of Harris County, Texas ("Security Instrument" and together with the Note, "Loan Agreement"), provides that Plaintiff as the current owner of the Note and mortgagee of the Security Instrument, in the event of a default on the obligations on the Note, with a first lien security interest on that certain real property commonly known as 6234 Rietta Street, Houston, Texas 77016, and more particularly described as follows:

LOT 18, IN BLOCK 4, OF TIDWELL TIMBERS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 74, PAGE 37 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. (The "Property").

It is further,

RP-2023-303058

UNOFFICIAL COPY

ORDERED, ADJUDGED AND DECREED that Plaintiff is the current holder and owner of the Note and beneficiary of the Security Instrument. Plaintiff is also a mortgagee as that term is defined in section 51.0001(4) of the Texas Property Code. It is further,

ORDERED, ADJUDGED AND DECREED that the following are secured by the Security Instrument on the Property: the outstanding balance of the Note; prejudgment interest at the Note interest rate of 8.69%; post-judgment interest at the Note interest rate of 8.69%; and costs of court. It is further,

ORDERED, ADJUDGED AND DECREED that Plaintiff or its successors or assigns, may proceed with foreclosure on the Property as provided in the Security Instrument and section 51.002 of the Texas Property Code. It is further,

ORDERED, ADJUDGED, AND DECREED that, should Plaintiff proceed with foreclosure on the Property then, the purchaser at the foreclosure sale will be vested with all of Defendant's interest, rights, and title in the Property.

ORDERED, ADJUDGED AND DECREED that all foreclosure notices may be mailed to Defendant Rodney Washington, at 6234 Rietta Street, Houston, Texas 77016. It is further,

ORDERED, ADJUDGED AND DECREED that all costs are to be taxed against Defendant, not as a personal judgment but as a further obligation on the debt. It is further,

ORDERED, ADJUDGED AND DECREED that this Order is a Final Judgment and fully and finally resolves all claims between Plaintiff and Defendant. All relief requested and not herein granted is denied.

SIGNED on this the 22nd day of May 2023 at Houston, Texas.



Lee H. Rosenthal
United States District Judge

RP-2023-303058
TENESHIA HUDSPETH, COUNTY CLERK, HARRIS COUNTY, TEXAS
FRCL-2023-4338
FILED 7/11/2023 8:50:18 AM

NOTICE OF FORECLOSURE SALE

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 OR 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.

1. *Property to Be Sold.* The property to be sold is described as follows: LOT 18, IN BLOCK 4, OF TIDWELL TIMBERS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 74, PAGE 37 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 08/25/2003 and recorded in Document W993322 real property records of Harris County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: 08/01/2023

Time: 12:00 PM

Place: Harris County, Texas at the following location: 11,681 Square Feet area of covered concrete, being a 13,979 Square Feet area of covered concrete under the Bayou City Event Center Pavilion, save and except a 2,298 Square Feet Concession and Restroom area under said Pavilion, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court or as designated by the County Commissioners Court.

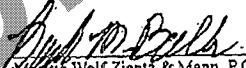
4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust.

5. *Obligations Secured.* The Deed of Trust executed by LOIS WASHINGTON, provides that it secures the payment of the indebtedness in the original principal amount of \$48,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR CDC MORTGAGE CAPITAL TRUST 2003-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-HE4 is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR CDC MORTGAGE CAPITAL TRUST 2003-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-HE4 c/o PHH MORTGAGE CORPORATION, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Order to Foreclose.* DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR CDC MORTGAGE CAPITAL TRUST 2003-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-HE4 obtained a Order from the UNITED STATES DISTRICT COURT - SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION on 05/22/2023 under Cause No. 4:23-cv-00933. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. *Substitute Trustee(s) Appointed to Conduct Sale.* In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.


Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
L. Keller Mackie, Attorney at Law
Michael Zientz, Attorney at Law
Lori Liane Long, Attorney at Law
Chelsea Schneider, Attorney at Law
Ester Gonzales, Attorney at Law
Karla Belli, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

For additional sale information visit: www.mwzmlaw.com/tx-investors

Certificate of Posting

I am SANDY DASIGENIS whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on 7/11/23 I filed this Notice of Foreclosure Sale at the office of the Harris County Clerk and caused it to be posted at the location directed by the Harris County Commissioners Court.

RP-2023-303058
Pages 9
08/10/2023 10:43 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$46.00

UNOFFICIAL COPY

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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 hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2023-303058