

**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 4, 2004

**Grantor(s):** MARTHA ANN DANIEL AND BRYAN PATRICK DANIEL

**Original Mortgagee:** AMERIQUEST MORTGAGE COMPANY

**Current Mortgagee:** DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10

**Recording Information:** Recorded 08/18/2004 in Document X852415 of the real property records of Harris County, Texas.

**Property Legal Description:** SEE EXHIBIT A

**Date of Sale:** 12/05/2023 **Time of Sale:** 12:11 PM

**Place of Sale:** AT THE MAGNOLIA SOUTH BALLROOM OF THE BAYOU CITY EVENT CENTER LOCATED AT 9401 KNIGHT ROAD, HOUSTON, TX 77045 PER ORDER RECORDED IN CLERK'S FILE NO. RP-2023-304925, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court.

**Buyer:** DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10

**Buyer's Mailing Address:** C/O PHH MORTGAGE CORPORATION  
1661 WORTHINGTON ROAD, SUITE 100  
WEST PALM BEACH, FL 33409

**Amount of Sale:** \$189,808.25

By Deed of Trust, Grantor conveyed to AMERIQUEST MORTGAGE COMPANY, 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 AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10, 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 AMERIQUEST

RP-2023-466120

MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10 obtained an Order from the UNITED STATES DISTRICT COURT - SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION on 12/10/2021 under Cause No. 4:19-cv-00825. 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 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 \$189,808.25, 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 6<sup>th</sup> day of December, 2023.

NAME: Keller Mackie  
AUTHORIZED AGENT FOR AVT TITLE SERVICES, LLC

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Keller Mackie, 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.

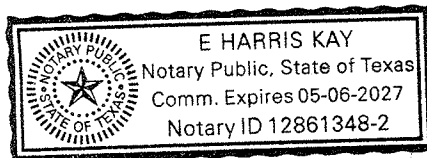
Given under my hand and seal of office this 10<sup>th</sup> day of December, 2023.

E Harris Kay  
Notary Public, State of Texas

xxxxx6389/14-001358-670-7  
HEL

AFTER RECORDATION RETURN TO:

MACKIE WOLF ZIENTZ & MANN P.C.  
Parkway Office Center, Suite 900  
14160 N. Dallas Parkway  
Dallas, Texas 75254



AFFIDAVIT

BEFORE ME, the undersigned on this day personally appeared ~~Lori Liane Long, L. Keller Mackie, Brandon Wolf, Chelsea Schneider, Ester Gonzales, 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 debtors were alive, were 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.

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

STATE OF TEXAS

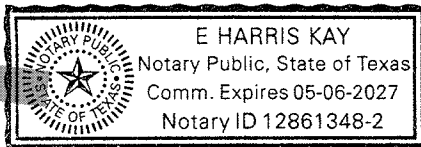
§  
§  
§

COUNTY OF DALLAS

SUBSCRIBED AND SWORN TO before me by ~~Lori Liane Long, L. Keller Mackie, Brandon Wolf, Chelsea Schneider, Ester Gonzales, Karla Balli~~ on this ~~8<sup>th</sup>~~ day of December, 2023.

*E Harris Kay*  
Notary Public, State of Texas

MWZM#: 14-001358-670-7  
Property Address: 10823 COLLINGSWOOD DR, LA PORTE, TX 77571-4393



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UNOFFICIAL COPY

EXHIBIT A

LOT TWELVE (12) IN BLOCK SEVENTEEN (17) OF FAIRMONT PARK EAST, SECTION TWO (2) A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 319, PAGE 53 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

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**UNOFFICIAL COPY**

**ENTERED**

December 10, 2021

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 §  
AMERIQUEST MORTGAGE SECURITIES §  
INC., ASSET-BACKED PASS-THROUGH §  
CERTIFICATES, SERIES 2004-R10, §**

**Plaintiff,**

**Civil Action No. 4:19-cv-00825**

**v.**

**SAIHAT CORPORATION AND §  
FAIRMONT PARK EAST §  
HOMEOWNERS' ASSOCIATION, §**

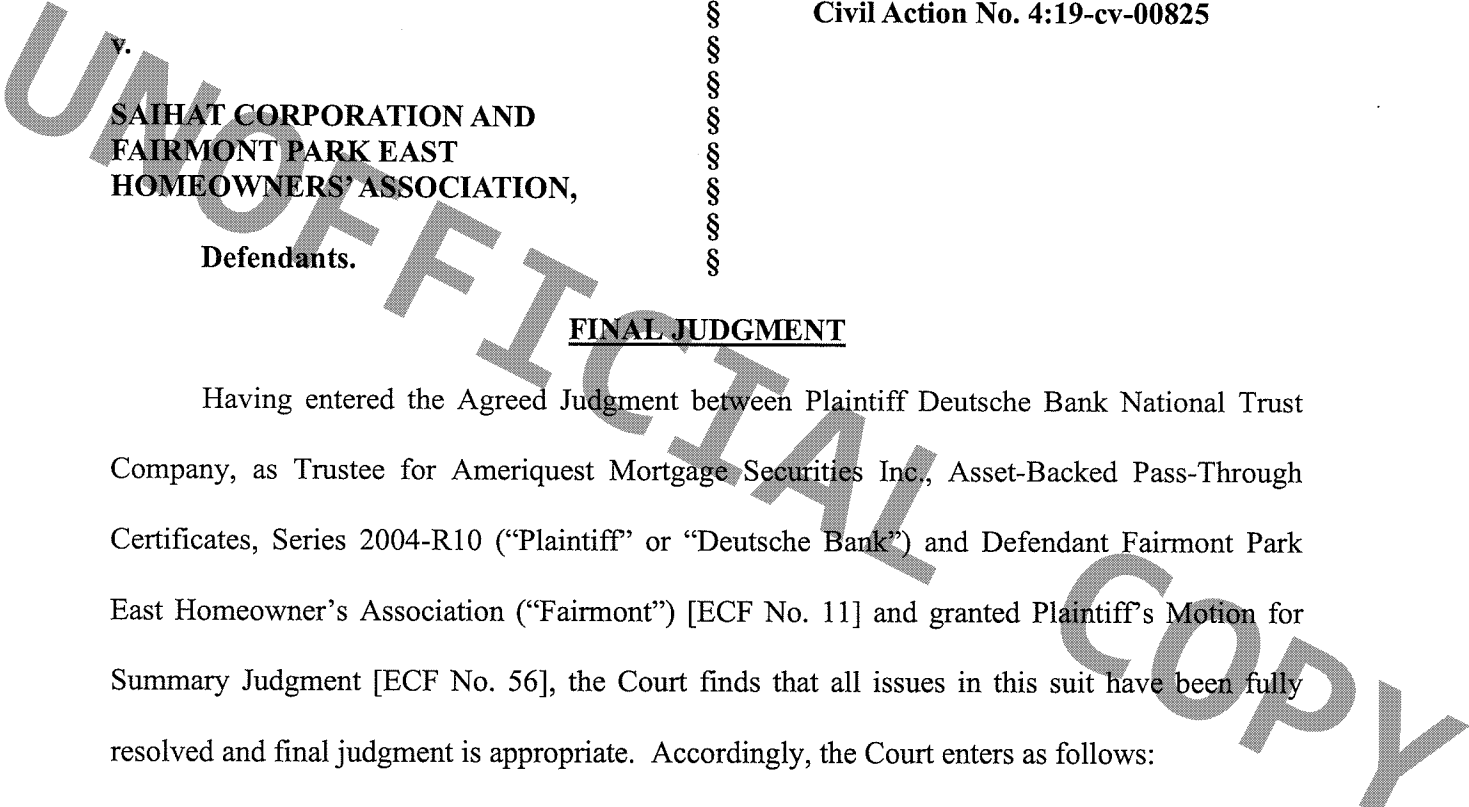
**Defendants. §**

**FINAL JUDGMENT**

Having entered the Agreed Judgment between Plaintiff Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2004-R10 ("Plaintiff" or "Deutsche Bank") and Defendant Fairmont Park East Homeowner's Association ("Fairmont") [ECF No. 11] and granted Plaintiff's Motion for Summary Judgment [ECF No. 56], the Court finds that all issues in this suit have been fully resolved and final judgment is appropriate. Accordingly, the Court enters as follows:

It is **ORDERED** that that in light of neither Deutsche Bank nor its predecessors in interest being named in Fairmont's judicial foreclosure lawsuit styled *Fairmont Park East Homeowners' Association v. Martha Daniel*, filed in the 157<sup>th</sup> Judicial District Court of Harris County, Texas under Cause No. 201702032 (the "HOA Foreclosure Suit"), the Final Judgment in HOA Foreclosure Suit was not binding on that certain Home Equity Deed of Trust Harris County, Texas interest recorded in the real property records of Harris County, Texas as

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instrument number X852415 (the "Security Instrument") in the real property and improvements commonly known 10823 Collingswood Drive, La Porte, Texas 77571 and being further described as follows:

LOT TWELVE (12) IN BLOCK SEVENTEEN (17) OF FAIRMONT PARK EAST, SECTION TWO (2) A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 319, PAGE 53 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. ("the Property")

It is further,

**ORDERED** that the Security Instrument, being a refinance of purchase money liens interests on the Property, is superior to Fairmont's assessment lien in the Property. It is further,

**ORDERED** that Fairmont's foreclosure sale, reflected in that certain Deed Under Execution and Order of Sale recorded in the real property records of Harris County, Texas as instrument number RP-2018-212888, being a foreclosure on an inferior lien interest to the Deutsche Bank's Deed of Trust had no effect on it. It is further,

**ORDERED** that an event of default has occurred on that certain Texas Home Equity Adjustable Rate Note, executed on or about August 4, 2004 by Bryan Patrick Daniel and Martha Daniel, and payable to Ameriquest Mortgage Company (hereinafter "Note"). It is further,

**ORDERED** that Plaintiff is the current legal owner and holder of the Note and beneficiary of the Security Instrument. It is further,

**ORDERED** that Defendant Saihat Corporation's interest in the Property is declared junior to that of Plaintiff's security interest in the Property in question and is subject to Plaintiff's security interest in the Property in question. It is further;

**ORDERED** that the following are secured by the Security Instrument on the Property:  
(1) the outstanding balance of the Note, which was at least \$110,832.40 as of January 30, 2020;

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UNOFFICIAL COPY

(2) all contractual interest, escrow advances, fees, costs and other items in the Loan Agreement that are recoverable and have accrued since that date; (3) interest that accrues under the Note after entry of this judgment; and (4) costs of court. It is further,

**ORDERED** that due to event of default on the Note, Plaintiff, or its successors or assigns, may enforce its security interest against the Property through non-judicial foreclosure of the Property as provided in the Security Instrument and section 51.002 of the Texas Property Code. It is further,

**ORDERED** that the purchaser at the foreclosure sale authorized by this order will be vested with full ownership in the Property including all interest held by any of the Defendants in this case. It is further,

**ORDERED** that all foreclosure notices may be mailed to the Property at 10823 Collingswood Drive, La Porte, Texas 77571. It is further,

**ORDERED** that Plaintiff is awarded attorney's fees and costs, to be determined by subsequent motion. It is further,

**ORDERED, ADJUDGED, AND DECREED** that any relief not specifically granted in this Judgment is **DENIED** and any parties not otherwise disposed of are **DISMISSED**.

SIGNED this the 10th day of December, 2021.

  
U.S. DISTRICT JUDGE





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# Pages 9  
12/12/2023 09:32 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$46.00

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