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

SEE EXHIBIT A

Description:

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

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 certifiedmail 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 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 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

Notary Public, State of Texas

day of December, 202

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 E HARRIS KAY

Notary Public, State of Texas

Comm. Expires 05-06-2027

Notary ID 12861348-2

AFFIDAVIT

BEFORE ME, the undersigned on this day personally appeared Lori Liane Long, t. 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, F. 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 Mackic, Brandon Wolf, Chelsea Schneider, Ester Gonzales, Karla Balli on this Lay of December, 2023.

otary Public, State of Texas

MWZM#:

14-001358-670-7

Property Address: 10823 COLLINGSWOOD DR, LA PORTE, TX 77571-4393



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.

UNOFFICIAL COPY

United States District Court Southern District of Texas

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,

8

Plaintiff,

Civil Action No. 4:19-cv-00825

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 157th 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

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;

Case 4:19-cv-00825 Document 64 Filed on 12/10/21 in TXSD Page 3 of 3

(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

FINAL JUDGMENT MWZM#: 14-001358-670-5 Page 1

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 NOTICE IMMEDIATELY.

- 1. Property to Be Sold. The property to be sold is 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.
- 2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 08/04/2004 and recorded in Document X852415 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: 12/05/2023

Time:

Place:

12:00 PM

Harris County, Texas at the following location: ATTHE MAGNOLIA SOUTH BALLROOM OF THE BAYOU CITY EVENT CENTER LOCATED AT 9401 KNIGHTROAD, 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. 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 \$1.009 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.
- S. Obligations Secured. The Deed of Trust executed by MARTHA ANN DANIEL AND BRYAN PATRICK DANIEL, provided that it secures the payment of the indebtedness in the original principal amount of \$82,500.00, 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 AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10 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 AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10 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 AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R10 obtained a Order from the UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION on 12/10/2021 under Cause No. 4:19-cv-00825. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order. 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

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 Mackie 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 Parkway Office Center, Suite 900 14160 Dallas Parkway
Dallas, TX 75254

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For additional sale information visit:

Certificate of Posting

SANDY DASIGENIS

whose address is clo AVT Title Services, LLC, \$177 Right ury that on 11/9/23 I filed this Notice and at the location directed by the Harris County Commis Houston, TX 77056. I declare under penalty of perjury that on 1 of the Harris County Clerk and caused it to be posted at the location

RP-2023-466120
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.

OF HARRIS COUNTY,

COUNTY CLERK HARRIS COUNTY, TEXAS

eneshin Hudspell