

# NOTICE OF TRUSTEE'S SALE

**DEED OF TRUST INFORMATION:**

<b>Grantor(s)</b>	Rosalie A. Fulks	<b>Deed of Trust Date</b>	May 31, 2012
<b>Original Mortgagee</b>	Mortgage Electronic Registration Systems, Inc. ("MERS"), as beneficiary, as nominee for Generation Mortgage Company, its successors and assigns	<b>Original Principal</b>	\$117,000.00
<b>Recording Information</b>	Instrument #: 1620 Book #: 838 Page #: 607 in Marion County, Texas	<b>Original Trustee</b>	Robert K. Fowler
<b>Property Address</b>	256 Coolidge Ave., Avinger, TX 75630	<b>Property County</b>	Marion

**MORTGAGE SERVICER INFORMATION:**

<b>Current Mortgagee</b>	Cascade Funding Mortgage Trust AB2	<b>Mortgage Servicer</b>	PHH Mortgage Corporation
<b>Current Beneficiary</b>	Cascade Funding Mortgage Trust AB2	<b>Mortgage Servicer Address</b>	1661 Worthington Road, Suite 100, West Palm Beach, FL 33409

**SALE INFORMATION:**

<b>Date of Sale</b>	12/05/2023
<b>Time of Sale</b>	10:00 AM or no later than 3 hours thereafter
<b>Place of Sale</b>	The Thomas Jefferson Park, located at 114 W. Austin St., Jefferson, TX. 75657 in Marion County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Marion County Commissioner's Court.
<b>Substitute Trustees</b>	Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont, Allan Johnston, Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Auction.com, Terri Worley, Jeffrey Hampton, Lisa DeLong, Robert LaMont, David Sims, Harriett Fletcher, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard, Carol Hampton, Selim Taherzadeh, or Michael Linke, any to act
<b>Substitute Trustees' Address</b>	15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

**PROPERTY INFORMATION:**

Legal Description as per the Deed of Trust:

TRACT 1:

ALL THAT CERTAIN 0.26 ACRE TRACT OF LAND SITUATED IN LOTS 119, 120, AND THE SOUTH 1/2 OF LOT 118, UNIT 1, CASTLE VILLAGE SUBDIVISION, FILED IN CABINET A, SLIDE 124, PLAT RECORDS, JAMES WIMBERLY SURVEY, A-383, MARION COUNTY, TEXAS, BEING A TRACT RECORDED IN VOL. 785, PAGE 85 OF THE DEED RECORDS MARION COUNTY, TEXAS SAID 0.26 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: PLAT RECORD A/124) COMMENCING AT 1" IRON PIPE FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE AND THE SOUTH RIGHT-OF-WAY OF LINCOLN DRIVE FOR THE NORTHWEST CORNER OF LOT 117; THENCE S 13 DEGREES 18' 00" W, 89.90 FEET ALONG THE EAST RIGHT-OF-WAY OF COOLIDGE DRIVE AND THE WEST LINE OF LOTS 117 AND 118 TO A 1/2" IRON ROD SET FOR THE NORTHWEST CORNER OF THIS TRACT, A 3/4" IRON ROD FOUND BEARS N 37 DEGREES 57' W, 2.9 FEET; THENCE S 76 DEGREES 08' 23" E, 89.99 FEET TO A 1" IRON PIPE FOUND FOR THE NORTHEAST CORNER OF THIS TRACT; THENCE S 13 DEGREES 48' 13" W, 123.40 FEET WITH COMMON BOUNDARY OF LOT 118, 119, 120 AND LOTS 155, 154, 153 TO A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER OF THIS TRACT AND LOT 120, SOUTHWEST CORNER OF LOT 153, NORTHEAST CORNER OF LOT 121, A 3/4" PINCHED PIPE FOUND FOR THE SOUTHEAST CORNER OF LOT 121 BEARS S 13 DEGREES 18' 46" W, 49.85 FEET;

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THENCE N 76 DEGREES 08' 23" W, 89.96 FEET WITH COMMON BOUNDARY OF LOT 120 AND LOT 121 TO A 1/2" IRON ROD FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT AND LOT 120, NORTHWEST CORNER OF LOT 121, A 3/4 PINCHED PIPE FOUND FOR THE SOUTHWEST CORNER OF LOT 121 BEARS S 13 DEGREES 18' 00" W, 50.68 FEET;

THENCE N 13 DEGREES 18' 00" E, 124.62 FEET ALONG THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE, WEST LINE OF LOTS 120, 119, 118 TO THE POINT OF BEGINNING, CONTAINING 0.26 ACRE OF LAND, MORE OR LESS.

TRACT 2;

ALL THAT CERTAIN 0.10 ACRE TRACT OF LAND, BEING ALL OF LOT 121, UNIT 1, CASTLE VILLAGE SUBDIVISION, FILED IN CABINET A, SLIDE 124 PLAT RECORDS, JAMES WIMBERLY SURVEY A-383, MARION COUNTY, TEXAS, BEING A TRACT RECORDED IN VOL. 678, PG. 206 OF THE DEED RECORDS MARION COUNTY, TEXAS, SAID 0.10 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: PLAT RECORD A/124)

COMMENCING AT: A 1" IRON PIPE FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE AND THE SOUTH RIGHT-OF-WAY OF LINCOLN DRIVE FOR THE NORTHWEST CORNER OF LOT 117;

THENCE: S 13 DEGREES 18' 00" W, 214.52 FEET ALONG THE EAST RIGHT-OF-WAY- OF COOLIDGE DRIVE AND THE WEST LINE OF LOTS 117, 118, 119, AND 120 TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 121 AND THIS TRACT ALSO THE POINT OF BEGINNING OF THIS TRACT, ALSO THE SOUTHWEST CORNER OF LOT 120;

THENCE S 76 DEGREES 08' 23" E, 89.96 FEET WITH A COMMON BOUNDARY OF LOT 120 AND LOT 121 TO A 1/2" IRON ROD SET FOR THE NORTHEAST CORNER OF LOT 121 AND THIS TRACT, ALSO THE SOUTHEAST CORNER OF LOT 120;

THENCE: S 13 DEGREES 18' 46" W, 49.85 FEET WITH COMMON BOUNDARY OF LOT 120 AND LOT 152 TO A 3/4" PINCHED PIPE FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT AND LOT 121, ALSO THE NORTHEAST CORNER OF LOT 122;

THENCE N 76 DEGREES 40' 07" W, 89.95 FEET WITH COMMON BOUNDARY OF LOT 121, AND LOT 122 TO A 3/4" PINCHED PIPE FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT AND LOT 121, NORTHWEST CORNER OF LOT 122;

THENCE N 13 DEGREES 18' 00" E., 50.68 FEET ALONG THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE, WEST LINE OF LOT 121 TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRE OF LAND, MORE OR LESS.

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Default has occurred under the Deed of Trust and all sums secured by the Deed of Trust were declared immediately due and payable. The Beneficiary has, or caused another to, removed the Original Trustee and appointed Substitute Trustees. On behalf of the Mortgagee, Mortgage Servicer, and Substitute Trustees, the undersigned is providing this Notice of Trustee's Sale.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all other matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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Pursuant to the Deed of Trust, the Beneficiary 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 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. Purchasers will buy the property "at the purchaser's own risk" and "at his/her peril", and no representation is made concerning the quality of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property.

Pursuant to the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the Sale. Any such further conditions shall be announced before bidding is opened for the first Sale of the day held by the Trustee or any Substitute Trustee.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee, or any subsequently appointed Trustee, need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refilled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

Interested parties are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

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.

Dated September 19, 2023.

/s/ Selim H. Taherzadeh  
Selim H. Taherzadeh  
15851 N. Dallas Parkway, Suite 410  
Addison, TX 75001  
(469) 729-6800

Return to: TAHERZADEH, PLLC  
15851 N. Dallas Parkway, Suite 410, Addison, TX 75001



Posted by Robert LaMont, September 21, 2023.

CAUSE NUMBER 2300059

IN RE: ORDER FOR FORECLOSURE  
CONCERNING

256 COOLIDGE AVE.  
AVINGER, TX 75630

UNDER TEX. R. CIV. PROC. 736

Petitioner:

CASCADE FUNDING MORTGAGE TRUST  
AB2,

Respondent(s):

ROSALIE A. FULKS.

IN THE DISTRICT COURT

OF MARION COUNTY, TEXAS

115th/276th JUDICIAL DISTRICT

DEFAULT ORDER ALLOWING FORECLOSURE

Cascade Funding Mortgage Trust AB2, Petitioner, on behalf of itself, its successors and assigns, has brought before this Court for consideration its Application for Court Order Allowing Foreclosure of a Lien Under Texas Constitution Article XVI, Section 50(k)(6) (“Application”). Having considered the evidence presented, the Court finds that:

- 1) the Application complies with Texas Rule of Civil Procedure (“TRCP”) 736.1;
- 2) the Application was properly served in accordance with TRCP 736.3;
- 3) the Respondent did not file a response to the Application by the due date; and
- 4) the return of service has been on file with the Clerk of the Court for at least 10 days; and
- 5) Petitioner has established the basis for foreclosure and finds that:

(a) Petitioner is the holder of a Texas Home Equity Conversion Note secured by a lien created under Texas Constitution Article XVI, Section 50(k). A debt exists.

- (b) The obligation secured by the lien sought to be foreclosed is in default.
- (c) The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and the opportunity to cure has expired. Before the Application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

IT IS THEREFORE ORDERED that:

1. Cascade Funding Mortgage Trust AB2, together with its successors and assigns, is hereby authorized to serve Notice of Sale on each Respondent and may proceed with a foreclosure sale in accordance with the security agreement and Texas Property Code Section 51.002 concerning the property with a commonly known mailing address of 256 Coolidge Ave., Avinger, TX 75630 and legal description as described in the Real Property Records of Marion County, Texas as follows:

TRACT 1:

ALL THAT CERTAIN 0.26 ACRE TRACT OF LAND SITUATED IN LOTS 119, 120, AND THE SOUTH 1/2 OF LOT 118, UNIT 1, CASTLE VILLAGE SUBDIVISION, FILED IN CABINET A, SLIDE 124, PLAT RECORDS, JAMES WIMBERLY SURVEY, A-383, MARION COUNTY, TEXAS, BEING A TRACT RECORDED IN VOL. 785, PAGE 85 OF THE DEED RECORDS MARION COUNTY, TEXAS SAID 0.26 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
(BEARING BASIS: PLAT RECORD A/124)<sup>Text</sup>  
COMMENCING AT 1" IRON PIPE FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE AND THE SOUTH RIGHT-OF-WAY OF LINCOLN DRIVE FOR THE NORTHWEST CORNER OF LOT 117;

THENCE S 13 DEGREES 18' 00" W, 89.90 FEET ALONG THE EAST RIGHT-OF-WAY

OF COOLIDGE DRIVE AND THE WEST LINE OF LOTS 117 AND 118 TO A 1/2" IRON ROD SET FOR THE NORTHWEST CORNER OF THIS TRACT, A 3/4" IRON ROD FOUND BEARS N 37 DEGREES 57' W, 2.9 FEET; THENCE S 76 DEGREES 08' 23" E, 89.99 FEET TO A 1" IRON PIPE FOUND FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 13 DEGREES 48' 13" W, 123.40 FEET WITH COMMON BOUNDARY OF LOT 118, 119, 120 AND LOTS 155, 154, 153 TO A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER OF THIS TRACT AND LOT 120, SOUTHWEST CORNER OF LOT 153, NORTHEAST CORNER OF LOT 121, A 3/4" PINCHED PIPE FOUND FOR THE SOUTHEAST CORNER OF LOT 121 BEARS S 13 DEGREES 18' 46" W, 49.85 FEET; THENCE N 76 DEGREES 08' 23" W, 89.96 FEET WITH COMMON BOUNDARY OF LOT 120 AND LOT 121 TO A 1/2" IRON ROD FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT AND LOT 120, NORTHWEST CORNER OF LOT 121, A 3/4 PINCHED PIPE FOUND FOR THE SOUTHWEST CORNER OF LOT 121 BEARS S 13 DEGREES 18' 00" W, 50.68 FEET; THENCE N 13 DEGREES 18' 00" E, 124.62 FEET ALONG THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE, WEST LINE OF LOTS 120, 119, 118 TO THE POINT OF BEGINNING, CONTAINING 0.26 ACRE OF LAND, MORE OR LESS.

TRACT 2:

ALL THAT CERTAIN 0.10 ACRE TRACT OF LAND, BEING ALL OF LOT 121, UNIT 1, CASTLE VILLAGE SUBDIVISION, FILED IN CABINET A, SLIDE 124 PLAT RECORDS, JAMES WIMBERLY SURVEY A-383, MARION COUNTY, TEXAS, BEING A TRACT RECORDED IN VOL. 678, PG. 206 OF THE DEED RECORDS MARION COUNTY, TEXAS, SAID 0.10 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: PLAT

RECORD A/124)

COMMENCING AT: A 1" IRON PIPE FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE AND THE SOUTH RIGHT-OF-WAY OF LINCOLN DRIVE FOR THE NORTHWEST CORNER OF LOT 117:  
THENCE: S 13 DEGREES 18' 00" W, 214.52 FEET ALONG THE EAST RIGHT-OF-WAY OF COOLIDGE DRIVE AND THE WEST LINE OF LOTS 117, 118, 119, AND 120 TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 121 AND THIS TRACT ALSO THE POINT OF BEGINNING OF THIS TRACT, ALSO THE SOUTHWEST CORNER OF LOT 120;  
THENCE S 76 DEGREES 08' 23" E, 89.96 FEET WITH A COMMON BOUNDARY OF LOT 120 AND LOT 121 TO A 1/2" IRON ROD SET FOR THE NORTHEAST CORNER OF LOT 121 AND THIS TRACT, ALSO THE SOUTHEAST CORNER OF LOT 120;  
THENCE: S 13 DEGREES 18' 46" W, 49.85 FEET WITH COMMON BOUNDARY OF LOT 120 AND LOT 152 TO A 3/4" PINCHED PIPE FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT AND LOT 121, ALSO THE NORTHEAST CORNER OF LOT 122;  
THENCE N 76 DEGREES 40' 07" W, 89.95 FEET WITH COMMON BOUNDARY OF LOT 121, AND LOT 122 TO A 3/4" PINCHED PIPE FOUND IN THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT AND LOT 121, NORTHWEST CORNER OF LOT 122;  
THENCE N 13 DEGREES 18' 00" E., 50.68 FEET ALONG THE EAST RIGHT-OF-WAY OF COOLIDGE AVENUE, WEST LINE OF LOT 121 TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRE OF LAND, MORE OR LESS.

2. The name and last known address of each Respondent subject to the order are:

Rosalie A. Fulks  
8255 Hills Circle  
Desoto, KS 66018

3. The recording or indexing information of each lien to be foreclosed is as follows:

Instrument #: 1620 Book #: 838 Page #: 607 in the Real Property Records  
of Marion County, Texas.

4. A conformed copy of an Order Allowing Foreclosure must be attached to the Trustee or Substitute Trustee's Foreclosure Deed in accordance with TRCP 736.12.

5. Petitioner may communicate with each Respondent and all third parties as reasonably necessary to conduct a foreclosure sale.

6. Notice of Foreclosure Sale must be mailed to respondent's counsel by certified mail if a respondent is represented by counsel.

Signed, this 10th day of September, 2023.



Judge Presiding



Approved as to form by:



Selim H. Taherzadeh  
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Addison, TX 75001

Telephone: (469) 729-6800

Facsimile: (469) 828-2772

**ATTORNEYS FOR PETITIONER**

FILED FOR RECORD  
23 SEP 21 AM 10:31  
KIMMEL WISE  
CO., CLERK, HARRIS CO.  
BY \_\_\_\_\_ DEPUTY