

File Number: TX-16-6704-MC

4

JUL 21 2016

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

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 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.

WHEREAS, on 5/21/2004, WILBUR G ROSEBERRY ROBERTA ROSEBERRY, executed a Deed of Trust conveying to TED LIETCH as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR THE CIT GROUP/ CONSUMER FINANCE, INC. (A DELAWARE CORPORATION), ITS SUCCESSORS AND ASSIGNS, in the payment of a debt therein described, said Deed of Trust being recorded under Instrument 171723, Volume XX, Page XX, in the DEED OF TRUST OR REAL PROPERTY records of CORYELL COUNTY, Texas; and

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness;

WHEREAS, the undersigned had been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

WHEREAS, an Order to Proceed with Notice of Foreclosure Sale and Foreclosure Sale was entered on May 13, 2016 under Cause No. DC-15-43842 in the 52ND Judicial District Court of CORYELL COUNTY, Texas; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 9/6/2016 beginning not earlier than 10:00 AM, or not later than three hours thereafter, I will sell said Real Estate in CORYELL COUNTY, TEXAS to the highest bidder for cash. The sale will be conducted in the area designated by the Commissioners' Court, of said county, pursuant to Section §51.002 of the Texas Property Code as amended; if no area is designated by the Commissioners' Court, the sale will be conducted at the location where this Notice of Trustee's Sale was posted. Said Real Estate is described as follows:

LOT 18 OF THE MOUNTAIN VIEW SUBDIVISION A PART OF THE JACOB MAHEE SURVEY AS SHOWN BY PLAT OF SAID SUBDIVISION OF RECORD IN VOLUME 178, PAGE 286, DEED RECORDS, CORYELL, TEXAS

Property Address: 1216 RITTER ST, COPPERAS COVE, TX 76522

Mortgage Servicer: Caliber Home Loans, Inc.

Mortgage Servicer Address: 13801 WIRELESS WAY, OKLAHOMA CITY, OK, 73134

Reinstatement Line: (800) 401-6587

Noteholder: The Bank of New York Mellon, as Trustee for CIT Mortgage Loan Trust 2007-1

The Mortgage Servicer is authorized to represent the Noteholder by virtue of a servicing agreement with the Noteholder. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.

WITNESS MY HAND this day, July 21, 2016



When recorded please return to:
Caliber Home Loans, Inc. – Document Control
13801 WIRELESS WAY
OKLAHOMA CITY, OK 73134

Tim Lewis, Brenda Wiggs, Denise Boerner,
Donna Stockman, David Stockman, Guy Wiggs,
Lori McCarty, Juanita Cox, Jimmy Carroll,
Brewer, Stephen Rawlings, Diasha Perkins,



4584193

3. Defendant, Stanley Neal Fletcher was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Stanley Neal Fletcher is as follows: 6043 State Highway 75, Apt 4, Huntsville, Texas 77340.

4. Defendant, Meta Fletcher Head was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Meta Fletcher Head is as follows: 2947 SE Hickory Ave., White Cloud, MI 49349.

5. Defendant, Wesley Wilbur Roseberry was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Wesley Wilbur Roseberry is as follows: 2208 Davis Drive, Killeen, Texas 76543.

6. Defendant, Marcus Gee Roseberry was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Marcus Gee Roseberry is as follows: 17 Sunset Drive, Lampasas, Texas 76550.

7. None of the defendants who were personally served are in active military service.

8. Grant Kinsey was appointed as attorney ad litem according to Tex. R. Civ. P. 244 for defendants, the unknown heirs-at-law of Wilbur and Roberta Roseberry, deceased served citation by publication.

9. The Loan Agreement between Wilbur Roseberry, Roberta Roseberry, and the plaintiff is in default and that plaintiff is the beneficiary of that agreement on the property made the basis of this lawsuit.

10. Plaintiff is entitled to the relief sought in plaintiff's original petition. Therefore it is:

ORDERED that:

All of Wilbur and Roberta Roseberry's ("Decedents") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedents right, title and interest in the real property and improvements commonly known as 1216 Ritter Street, Copperas Cove, Texas 76522 ("Property") and legally described as:

LOT 18 OF THE MOUNTAIN VIEW SUBDIVISION A PART OF THE JACOB MAHEE SURVEY AS SHOWN BY PLAT OF SAID SUBDIVISION OF RECORD IN VOLUME 178, PAGE 286, DEED RECORDS, CORYELL COUNTY, TEXAS

FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated May 21, 2004 and filed under Instrument Number 171723 of the Official Public Records of Coryell County, Texas.

FURTHER ORDERED that this Judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

FURTHER ORDERED that a copy of this Judgment shall be sent to defendants with the notice of the date, time, and place of the foreclosure sale.

FURTHER ORDERED that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale also be mailed to counsel by certified mail.

FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

FURTHER ORDERED that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

IT IS FURTHER ORDERED that the Interlocutory Agreed Judgment against Defendant, Phillip Royce Fletcher signed on October 13, 2015 is incorporated into this judgment.

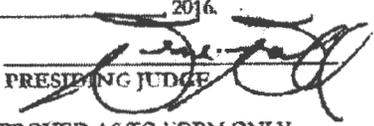
FURTHER ORDERED that as part of the costs of court, and payable by plaintiff, Grant Kinsey, the Attorney Ad Litem is granted the sum of \$500 and discharged as Ad Litem in this cause.

FURTHER ORDERED that all other costs of court are taxed against the party incurring same.

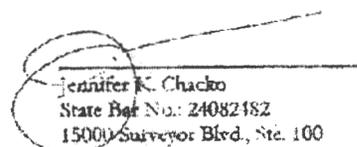
All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.

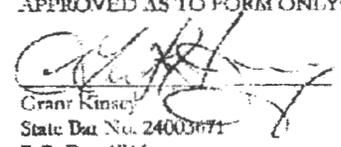
SIGNED this 13 day of May, 2016.


PRESIDING JUDGE

APPROVED AS TO FORM & SUBSTANCE: APPROVED AS TO FORM ONLY:


Jennifer K. Chacho
State Bar No.: 24082182
15000 Surveyor Blvd., Ste. 100
Addicks, Texas 75001
(972) 341-5321
(972) 341-0734 (Facsimile)
jenniC@bdigroup.com

ATTORNEY FOR PLAINTIFF

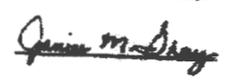

Grant Kinsey
State Bar No. 24003671
P.O. Box 1015
613 East Main
Gatesville, Texas 76528
(254) 404-3323

ATTORNEY AD LITEM

STATE OF TEXAS
COUNTY OF CORYELL

Certified to be a true and correct copy of the original in my custody. Given under my hand and seal.

Date 5th day of May 2016


Clerk of the District Court
By C. Patterson Dep.

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Amended Final Judgment
BDPTE #: 4354114 / ROSEBERRY

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