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**NOTICE OF ASSESSMENT LIEN SALE**

STATE OF TEXAS

§

§

COUNTY OF DALLAS

§

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
BY \_\_\_\_\_ DEPUTY

WHEREAS, on or about July 26, 2022, a Notice of Lien was filed in the Deed Records of Dallas County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by Marcus Richardson, the present owner of said real property, to Hampton Meadows Home Owners Association (the "Association"); and

WHEREAS, the said Marcus Richardson has continued to default in the payment of her indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owners to the Association;

NOW, THEREFORE, notice is hereby given that on Tuesday, February 6, 2024, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate Outside on the north side of the George Allen Courts Building facing Commerce Street below the overhang, Dallas County, Texas, Dallas County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 12:00 o'clock noon, and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

Lot Thirty-one (31), Block A, Hampton Meadows Phase 2B, a Subdivision of Dallas County, Texas, according to that certain final plat of Hampton Meadows Phase-2B, recorded on February 21, 2020 as Document No. 202000050763 of the Official Public Records of Dallas County, Texas (1516 Kinglet Street)

WITNESS my hand this 12<sup>th</sup> day of January, 2024

HAMPTON MEADOWS HOME OWNERS  
ASSOCIATION

By: \_\_\_\_\_

Jason R. Reed, Substitute Trustee

Riddle & Williams, P.C.

3811 Turtle Creek Blvd, Suite 500

Dallas, Texas 75219

The within notice was posted by me on the 16 day of Jan, 2024, at the Dallas County Courthouse in Dallas, Texas.

\_\_\_\_\_

CAUSE NO. DC-23-06357

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING	§	
	§	
1516 Kinglet Street	§	DALLAS COUNTY, TEXAS
Desoto, TX 75115	§	
	§	
UNDER TEX. R. CIV. PROC. 736	§	
	§	101ST JUDICIAL DISTRICT
AND MARCUS RICHARDSON		
<u>ORDER FOR FORECLOSURE</u>		

On April 26, 2023, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **Hampton Meadows Home Owners Association** (the "Association"), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association's assessment lien against 1516 Kinglet Street, Desoto, Texas 75115, and further described as follows:

Lot Thirty-one (31), Block A, Hampton Meadows Phase 2B, a Subdivision of Dallas County, Texas, according to that certain final plat of Hampton Meadows Phase-2B, recorded on February 21, 2020 as Document No. 202000050763 of the Official Public Records of Dallas County, Texas (1516 Kinglet Street) (hereinafter the "Property").

The Court finds that the Association's Application for Foreclosure complies with Rule 736.1 of the Tex. R. Civ. Proc. and was properly served in accordance with Rule 736.4 of the Tex. R. Civ. Proc. The Court further finds that Respondent(s) have not previously filed a response, and the return of service has been on file with the clerk of the Court for at least 10 days before the date of this Order. The Court finds that the name and last known address of each respondent is as follows:

Marcus Richardson  
1516 Kinglet Street  
Desoto, Texas 75115

Pursuant to Rule 736.7 of the Tex. R. Civ. Proc., all facts alleged in the Application for Foreclosure and supported by the affidavit of material facts constitute prima facie evidence of the truth of the matters alleged. The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Declaration of Covenants and Restrictions for Hampton Meadows (the "Declaration"), as corrected and supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Article IV of the Declaration.
5. Article IV, Section 4.1 of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Article IV, Section 4.1 of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
7. During the period of Respondent's ownership, Respondent has been assessed

maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.

8. Article IV, Section 4.1 of the Declaration and Texas Property Code 5.006 provide for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
9. As of April 1, 2023, Respondent is 24 months in default in his/her obligations to the Association for a total of One Thousand Seven Hundred and Sixty Four Dollars and Ninety Cents (\$1,764.90).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated June 6, 2022.
11. A Notice of Lien was filed on or about July 26, 2022 at 202200204578 in the office of the County Clerk of DALLAS, Texas, and Respondent was notified of same by letter dated July 25, 2022.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the July 25, 2022 letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

**THE COURT THEREFORE GRANTS** the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

**IT IS THEREFORE ORDERED** that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

**IT IS FURTHER ORDERED** that the Association shall send Respondent(s) a copy of this Order with the notice of foreclosure sale sent to Respondent(s); and

**IT IS FURTHER ORDERED** that the Association may communicate with Respondent(s) and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON September 29, 2023

  
JUDGE PRESIDING

Senior Judge, Fourteenth Judicial District of Texas  
Sitting by Assignment

KV

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 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.

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS

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§

COUNTY OF DALLAS

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Date: January 16, 2024

Borrower: Gabriella Tower, LLC

Borrower's Address: Gabriella Tower, LLC  
600 E. Las Colinas Blvd., Suite 2100  
Irving, TX 75039

Holder: Areeif Lender W LLC

Holder's Address: 245 Park Avenue, 42nd Floor  
New York, New York 10167

Substitute Trustee: John T. Duncan III, Jeffrey J. Zissa, P. Kyle Cheves, and each  
of them acting alone

Substitute Trustee's Address: 2950 N Harwood St., Suite 2100  
Dallas, TX 75201

Deed of Trust: Deed of Trust, Security Agreement, Assignment of Leases and  
Rents, and Fixture Filing

Date: January 27, 2022

Grantor: Gabriella Tower, LLC

Original Lender: Areeif Lender LLC

Trustee: John T. Duncan III

BY \_\_\_\_\_ DEPUTY

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

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Secures: Note, dated as of January 27, 2022 (the "Note"), executed by Grantor, payable to Original Lender, in the original stated principal amount of One Hundred Twenty-Seven Million and 00/100 (\$127,000,000.00), presently owned and held by Holder

Recording: Recorded in the Official Public Records of Dallas County, Texas (the "Records") as Document Number 202200026193

Assignment from Original Lender to Holder: Evidenced by that certain Assignment of Deed of Trust, Security Agreement, Assignment of Leases and Rents, and Fixture Filing and Other Loan Documents dated February 22, 2022, and recorded in the Records as Document Number 202200087852

Property: All real property, improvements and personal property described as collateral in the Deed of Trust; the legal description of the property is also, for the sake of convenience only, described on Exhibit A attached hereto and made a part hereof for all purposes; however, the description of the real property, improvements and personal property in the Deed of Trust will control to the extent of any conflict or any deficiency in such description contained in this Notice of Substitute Trustee's Sale, it being the intent that the "Property", for all purposes hereof, means all property, real, personal, tangible and intangible, which constitutes collateral under, and described in, the Deed of Trust.

Foreclosure Sale:

Date of Sale: Tuesday, February 6, 2024

Time of Sale: The sale of the Property will take place between the hours of 10:00 a.m. and 1:00 p.m. local time; the earliest time at which the sale will take place is 10:00 a.m., and the sale will begin within three hours thereafter.

Place of Sale: ON THE NORTH SIDE OF THE GEORGE ALLEN COURTS BUILDING FACING COMMERCE STREET OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.

Holder has appointed John T. Duncan III, Jeffrey J. Zissa, P. Kyle Cheves, and each of them acting alone as Substitute Trustees under the Deed of Trust upon the contingency and in the manner outlined by the Deed of Trust and in accordance with Chapter 51 of the Texas Property Code. Default has occurred pursuant to the provisions of the Deed of Trust and other documents relating to the indebtedness evidenced by the Note. The indebtedness evidenced by the Note is

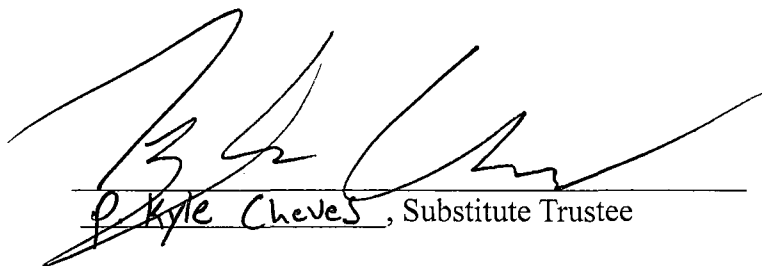
now wholly due. Holder has instructed Substitute Trustee to sell the Property toward the satisfaction of the Note.

The Deed of Trust encumbers both real and personal property. Notice is hereby given of Holder's election to proceed against and sell all the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

Notice is hereby given that on the Date of Sale, at the Time of Sale, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS" and further subject to any valid leases to the Property or any portion thereof, which leases shall not terminate as a result of the sale. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION OR QUIET ENJOYMENT OR THE LIKE FOR THE PERSONAL PROPERTY INCLUDED IN THE SALE. Holder may bid by credit against the indebtedness evidenced by the Note and secured by the Deed of Trust. The Substitute Trustee conducting the Foreclosure Sale may, at his option, postpone the sale for a reasonable time to permit the highest bidder (if other than Holder) to produce cash to pay the purchase price bid, and the sale may be resumed if the bidder fails to produce cash to pay the purchase price within such time period, provided in any event the sale shall be concluded no later than 1:00 P.M. local time.

[signature on following page]

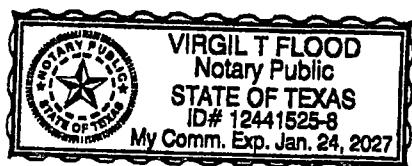


  
P. Kyle Cheves, Substitute Trustee

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

Subscribed and sworn to before me, the undersigned authority, on this 16<sup>th</sup> day of January 2024, personally appeared P. Kyle Cheves, the aforementioned substitute trustee.

[SEAL]



Virgil T Flood  
Notary Public, State of Texas

My Commission expires:  
Jan 24, 2027

After recording return to:

P. Kyle Cheves  
Polsinelli PC  
2950 N. Harwood Street, Suite 2100  
Dallas, Texas 75201

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **TRACT 1:**

The Residential Apartment Unit (Unit I) (the "Residential Apartment Unit") of the Gabriella Tower Condominium, created pursuant to the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, covering a building built on land located in Dallas County, Texas as described in such Declaration, together with an undivided interest, appurtenant to the Residential Apartment Unit, in and to the Common Elements in the percentage designated for the Residential Apartment Unit on Exhibit C attached to the Declaration, and

#### **TRACT 2:**

The Retail Unit (Unit II) (the "Retail Unit") of the Gabriella Tower Condominium, created pursuant to the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, covering a building built on land located in Dallas County, Texas as described in such Declaration, together with an undivided interest, appurtenant to the Retail Unit, in and to the Common Elements in the percentage designated for the Retail Unit on Exhibit C attached to the Declaration.

#### **TRACT 3:**

A non-exclusive Access Easement as created and further defined in the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, as amended.

#### **TRACT 4:**

A non-exclusive Common Elements Easement over, on and across the Common Elements, all as created and further defined in the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, as amended.

#### **TRACT 5:**

A non-exclusive Residential Apartment Unit Parking Easement over, on and across the Residential Apartment Unit Parking Easement Area, all as created and further defined in the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, as amended.

#### **TRACT 6:**

A Signage Easement over, on and across the Signage Easement Area, all as created and further defined in the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, as amended.

TRACT 7:

A non-exclusive Support Easement as created and further defined in the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, as amended.

TRACT 8:

A non-exclusive Systems Easement as created and further defined in the Condominium Declaration recorded as Document No. 201700350372 of the Official Public Records of Dallas County, Texas, as amended.

1B

**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

LOT FIVE HUNDRED NINETY-THREE (593), OF BURBANK GARDENS ADDITION, UNIT NO. 2, LOCATED IN DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 5, PAGE 109, MAP RECORDS, DALLAS COUNTY, TEXAS

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

Date: February 6, 2024

Time: The sale shall begin no earlier than 11:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: DALLAS County, on the north side of the George Allen Courts Building facing Commerce Street below the overhang in Dallas, Texas, or at the location and address designated by the Commissioners Court of said county, pursuant to 51.002 of the Texas Property Code as the location and address where the sale is to be held. The sale shall take place in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted.

3. Terms of 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. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. If a purchaser desires to pay with cashier's checks, they should be made payable to Anderson Vela, L.L.P. or endorsed in accordance with the instructions by the Trustee. The purchase price in a sale held by the undersigned herein is payable immediately on acceptance of the bid by the undersigned trustee or substitute trustee. 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 prior 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest 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. Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee. If the Foreclosure Sale is passed, notice of the date of any rescheduled foreclosure sale will be reposted and refilled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

4. The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

5. 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. Prospective bidders are advised to conduct an independent investigation of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable

xxx478 Baken

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.

6. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust/Security Instrument ("Deed of Trust") executed by Layman Baken ("Debtor"). Said Deed of Trust secures a Promissory Note/Loan Agreement, and any renewals, extensions or modifications thereof, dated July 29, 2011 and executed by Debtor in the Original Principal Amount of \$30,022.41. The current beneficiary of the Deed of Trust is U.S. Bank Trust National Association, as Trustee of the Igloo Series IV Trust, 323 Fifth Street, Eureka, CA 95501. The Deed of Trust is dated July 29, 2011, designating G. Blumenshine as the Original Trustee and is recorded in the office of the County Clerk of DALLAS County, Texas, under Instrument No. 201100205365, of the Real Property Records of DALLAS County, Texas. The foreclosure of this mortgage is being administered by a mortgage servicer representing the mortgagee under a servicing agreement. Questions concerning the sale may be directed to the undersigned, Richard E. Anderson, 4920 Westport Drive, The Colony, Texas 75056, who sent this notice, or to the mortgage servicer, SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501.

7. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. 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 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.

DATED January 16, 2024



David Garvin, Jack Beckman, Kelly Goddard, Michelle Schwartz,  
Richard E. Anderson, Ray Vela or Cesar DeLaGarza

4920 Westport Drive  
The Colony, Texas 75056  
214.276.1545 - telephone  
214.276.1546 - facsimile  
Substitute Trustees

NOTICE OF SALE

In accordance with:

WHEREAS, by that certain instrument entitled *Sherwood Village Mobile Home Condominium Declaration of Restrictions* recorded under Volume 83102, Page 3711, et seq. of the *Local Records*, Dallas County, Texas (hereinafter referred to as the "Declaration") and all amendments and supplements to the Declaration, subjected all of those units described in the Declaration to assessments for common expenses for the benefit of SHERWOOD VILLAGE PROPERTY OWNER'S ASSOCIATION (the "Association"), a Texas non-profit corporation; and

(2) the lien created in the Declaration in favor of Sherwood Village Property Owner's Association (hereinafter the "Association") and the Texas Uniform Condominium Act (the "Act") against the property described below; and

(3) the deed recorded in the Official Public Records of Real Property of Dallas County, Texas, conveying the property described below to Dennis Michael Johnson, Sr. and Nina Ailene Johnson,

the Agent and Trustee for the Association, which is the beneficiary of the power of sale contained in the Declaration and in Section 82.113(d) of the Act, will, at the request of the Association in order to satisfy the indebtedness of Dennis Michael Johnson, Sr. and Nina Ailene Johnson resulting from Dennis Michael Johnson, Sr. and Nina Ailene Johnson default in the payment to the Association of assessments and other charges authorized by the Declaration and/or the Act, sell the property described below on February 06, 2024 (that being the first Tuesday of said month), at public auction to the highest bidder, for cash.

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.

The sale of the property described below will be subject to any superior liens as provided for in the Declaration and/or at law. The sale will take place on the north side of the George Allen Courts Building facing Commerce Street, below the overhang, where sales pursuant to the Texas Property Code Section 51.002 are to take place and is the area designated in the Commissioners Court. The sale will take place no earlier than 10:00 a.m. and no later than three (3) hours after that time.

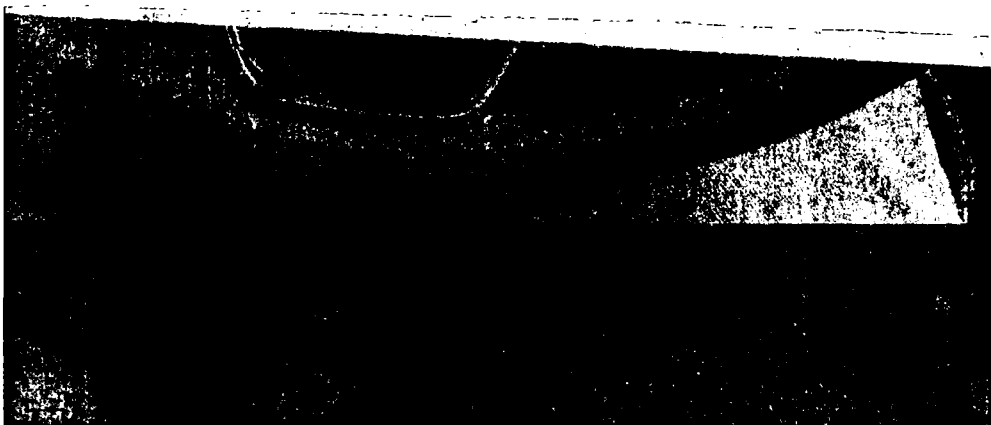
*Being a one over three hundred and one (1/301), fractional undivided interest in and to the property described in Exhibit 'B', attached hereto, together with the sole and exclusive right to use that mobile home homestead location identified by commonly-known address as 490 Dover Road, Irving, Texas 75060. and more commonly known as 490 Dover Road, Irving, TX 75060.*

EXECUTED this the 10th day of January, 2024.

2024 JAN 17 AM 8:46

FILED

JOHN E. WARREN  
COUNTY CLERK



*Oscar Becerra*

Oscar Becerra, Sipra Boyd, Clinton F. Brown, Cliff Davis, Paul Gaines, Noelle Hicks, Brittan Johnson, Ashley Koirtyohann, Jeff Libersat, Melissa McLain, Brittany Olsen, Hisamitsu Shinoda, Christina Tagle, Eric B. Tonsul, Christopher L. Trevino, Derrick Verdun, and/or Kelton Wilkins, Agent and Trustee for Sherwood Village Property Owner's Association

7079-00005

