

#12 #12

A Debtor who is serving on active duty in the military may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501, et. seq.) and state law, including Section 51.015 of the Texas Property Code. 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 TRUSTEE'S SALE

DATE: May 10, 2016

NOTE #1: Promissory Note described as:

Date: October 30, 2014
Maker: Mark Case
Payee: City Bank
Principal Amount: \$300,000.00

NOTE #2: Promissory Note described as:

Date: December 22, 2014
Maker: Mark Case
Payee: City Bank
Principal Amount: \$36,000.00

NOTE #3: Promissory Note described as:

Date: February 27, 2015
Maker: Mark Case
Payee: City Bank
Principal Amount: \$42,000.00

DEED OF TRUST: Deed of Trust described as:

Date: October 30, 2014
Grantor: Mark Case
Trustee: Kevin Bass
Beneficiary: City Bank
Recording Information: Recorded in/under Instrument #2014-7042 of the Official Public Records of Gaines County, Texas.

FILED
5-17-16 - 3:55 P.M.
Vicki Phillips, County Clerk
Gaines County, Texas
Michelle Cain

LENDER: City Bank

Borrower: Mark Case

Property: Lot 9, Camp No. 6, a subdivision located in the South part of the SW/4 of Section 222, Block G, W. T. RY. CO. SURVEY, Gaines County, Texas and the Northwest part of Section 223, Block G, W. T. RY. CO. Survey, Gaines County, Texas; SAVE AND EXCEPT all oil, gas and other minerals.

Trustee: Kevin Bass
Trustee's Mailing Address: P. O. Box 5060
Lubbock, Texas 79408

Substitute Trustee: Brad Odell, Michael Hicks or M. Andrew Stewart
Substitute Trustee's Mailing Address: 1500 Broadway, Suite 700
Lubbock, Texas 79401

Or

Substitute Trustee: Morris Wilcox
Substitute Trustee's Mailing Address: 5219 City Bank Parkway
Lubbock, Texas 79407

DATE AND TIME OF TRUSTEE'S SALE OF PROPERTY:

June 7, 2016, being the first Tuesday of the month, to commence at 10:00 AM, or within three hours thereafter.

PLACE OF TRUSTEE'S SALE OF PROPERTY:

The West porch of the Gaines County Courthouse leading into the middle landing from the West door or other such location as designated by the County Commissioners of Gaines County, Texas.

Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust, which secures the Promissory Note. Because of such default, Lender, the owner of the Promissory Note, and the holder of the Promissory Note and the Deed of Trust, has requested the Substitute Trustee to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

Additionally, this posting of this Notice of Foreclosure Sale is being done pursuant to the terms of an Agreed Order on City Bank's Agreed Motion for Relief from Automatic Stay which was entered May 12, 2016 by the Bankruptcy Court in the Maker's bankruptcy case known as Case No. 16-50083-RLJ-13; In Re: Steven Mark Case, Debtor; In the United States Bankruptcy Court for the Northern District of Texas, Lubbock Division. A copy of said Order is attached hereto as Exhibit "A".

Therefore, notice is given that on the Date and Time of Trustee's Sale of Property and at the Place of Trustee's Sale of Property, the Substitute Trustee or such other trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust. Substitute Trustee has not made and will not make any covenants, warranties, or representations concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property shall be sold "AS IS, WHERE IS", and WITH ALL FAULTS.



Brad Odell, Substitute Trustee

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF LUBBOCK)

This instrument was acknowledged before me on May 16, 2016, Brad Odell, Substitute Trustee.


Notary Public, State of Texas



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed May 11, 2016


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

In Re:

**STEVEN MARK CASE,
Debtor.**

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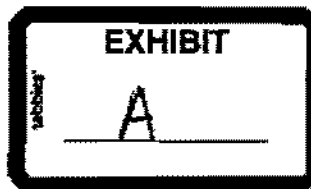
Case No. 16-50083-rlj13

**AGREED ORDER ON CITY BANK'S MOTION
FOR RELIEF FROM THE AUTOMATIC STAY**

On this day, came on to be considered the Agreed Motion for Relief from Automatic Stay that was filed by City Bank in the above entitled and numbered bankruptcy case, and the Court having considered the motion, and the motion having been properly noticed to the Debtor, Debtors Counsel, the chapter 13 trustee, and all creditors and parties in interest, and having been advised by City Bank, the Debtor, and the chapter 13 trustee, that the parties have entered into an agreement regarding the termination of the stay FINDS:

1. That all creditors and parties in interest have received adequate notice and opportunity to object;
2. That as of April 5, 2016, Steven Mark Case (the "Debtor") owed City Bank a total

Agreed Order Approving City Bank's
Motion for Relief from Automatic Stay - Page 1



of \$369,559.97 in principal and \$7,496.86 in accrued interest on the Promissory Notes numbered ****0627, ****0989, and ****1385 secured by the Debtor's Real Property located at 388 CR 304, Seminole, Texas 79360 and more fully described as Lot 9, Camp No. 6, A Subdivision located in the South part of the SW/4 of Section 222, Block G. W. T. Ry. Co. Survey, Gaines County, Texas and the Northwest part of Section 223, Block G. W. T. Ry. Co. Survey, Gaines County, Texas; Save and Except All Oil, Gas and Other Minerals (the "Real Property").

3. The Real Property has an unfinished home located on it. The cost to finish the home added to the total amount owed to City Bank exceeds the appraised value of the Real Property with a completed home on it. The Debtor does not have any equity in the Real Property. The Debtor has indicated his intention to surrender the Real Property to City Bank.

4. City Bank is requesting that the stay be terminated as against the Real Property so that City Bank may enforce its legal rights and remedies pursuant to the Notes, the Deed of Trust, and state law.

5. That cause exists to terminate the stay because the Notes are fully matured and the total indebtedness is currently due and owing to City Bank, the Debtor does not have any equity in the Real Property, and the Real Property is not necessary for an effective reorganization.

6. That the Debtor has agreed to the termination of the automatic stay and the requirements set forth in this Order.

Accordingly, the Court hereby ORDERS that the automatic stay which was entered into pursuant to 11 U.S.C. § 362 is terminated as it pertains to City Bank's secured claim and the collateral that secures the claim as follows: the automatic stay as against the Real Property shall be terminated upon entry of this Order, City Bank is authorized to foreclose on the Real Property in accordance with the Deed of Trust and state law, and City Bank is authorized to exercise any

and all remedies afforded it pursuant to the terms of its loan documentation. In the event that the sales price of the Real Property is insufficient to pay in full the amount of City Bank's secured claim, City Bank shall have an unsecured claim in the amount of any deficiency balance remaining after application of the sales proceeds.

The Court further ORDERS that the stay provided under Rule 4001(a)(3) is waived and not in effect upon entry of this Order.

All other relief not specifically requested is denied.

End of Order

FORM AND CONTENT APPROVED AND ENTRY REQUESTED BY:

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By: /s/ Brad W. Odell
Brad W. Odell, SBN: 24065839
Attorneys for City Bank

APPROVED AS TO FORM AND CONTENT:

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Robert B. Wilson, SBN: 21715000
Chapter 13 Trustee