



-Notice of Substitute Trustee Sale

T.S. #: 23-9299

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.

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

Date: 3/4/2025
Time: The sale will begin no earlier than 1:00 PM or no later than three hours thereafter.
The sale will be completed by no later than 4:00 PM
Place: Waller County Courthouse in HEMPSTEAD, Texas, at the following location: **THE FOYER AT THE SOUTH ENTRANCE TO THE COURTHOUSE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

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

A certain 2.000 acre tract of land situated in the Jared E. Groce Survey, A-30, Waller County, Texas, said 2.000 acre tract of land being out of the Northeast corner of a certain 38.62 acre tract of land conveyed to Nuch Jozwiak as Share Number 4 in Volume 207, Page 476, Deed Records of Waller County, Texas, said 2.000 acre tract of land being described as follows:

BEGINNING at a 1-1/4 inch iron pipe found in the South line of Jozwiak Lane for the Northeast corner of the said 38.62 acre tract and the Northeast corner of this tract also lying in the East line of the said Jared E. Groce Survey;

THENCE: South 10° 00' East along said East survey line for the East line of the said 38.62 acre tract and this tract, 297.29 feet to a 1/2 inch iron rod set for the Southeast corner of this tract;

THENCE: North 89° 42' West along the South line of this tract, 297.29 feet to a 1/2 inch iron rod for the Southwest corner of this tract;

THENCE: North 10° 00' West along the West line of this tract, 297.29 feet to a 1/2 inch iron rod set in the said South line of Jozwiak Lane and the North line of the said 38.62 acre tract for the Northwest corner of this tract;

THENCE: North 89° 42' East along the said South line of Jozwiak Lane for the North line of said 38.62 acre tract and this tract, 297.29 feet to the **POINT OF BEGINNING** containing 2.000 acres of land as surveyed by John F. Browster, Registered Public Surveyor Number 1952, November 28, 1980.

Instrument to be Foreclosed - The instrument to be foreclosed is the Deed of Trust is dated 12/27/2006 and is recorded in the office of the County Clerk of Waller County, Texas, under County Clerk's File No 700016, recorded on 1/3/2007, in Book 1008, Page 511, of the Real Property Records of Waller County, Texas.

Property Address: 51138 JOSWIAK RD HEMPSTEAD, TX 77445

Trustor(s):	ROSE MARIE JOZWIAK UHEREK and DONALD UHEREK	Original Beneficiary:	CitiFinancial, Inc.
Current Beneficiary:	U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust	Loan Servicer:	SN Servicing Corporation

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Current Auction.com, Megan Randle aka Megan Randle-Bender aka Megan L. Randle, Ebbie
Substituted Murphy, Chloe Christensen, Rebecca Bolton, Rick Snoke, Prestige Default Services, LLC
Trustees:

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. 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.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash with funds being made payable to Prestige Default Services, LLC, 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. 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 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 nature and physical condition of the property. Pursuant to section 51.0075 of 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.

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 the sale granted by the deed of trust executed by ROSE MARIE JOZWIAK UHEREK and DONALD UHEREK, WIFE AND HUSBAND. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$126,695.02, executed by ROSE MARIE JOZWIAK UHEREK and DONALD UHEREK, WIFE AND HUSBAND, and payable to the order of CitiFinancial, Inc.; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of ROSE MARIE JOZWIAK UHEREK and DONALD UHEREK, WIFE AND HUSBAND to ROSE MARIE JOZWIAK UHEREK and DONALD UHEREK. U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses. **All checks must be made payable to Prestige Default Services, LLC**

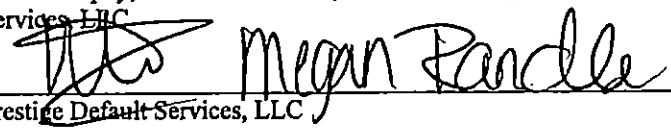
Questions concerning the sale may be directed to the undersigned or to the beneficiary:

U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust
c/o SN Servicing Corporation
323 5th Street
Eureka, CA 95501
800-603-0836

T.S. #: 23-9299

Dated: 2/6/25

Auction.com, ~~Megan Randle~~ aka Megan Randle-Bender aka Megan L. Randle,
Ebbie Murphy, Chloe Christensen, Rebecca Bolton, Rick Snoke, Prestige Default
Services, LLC


Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Attn: Trustee Department

CAUSE NO. CV23-08-0863

US BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE FOR LB-
RANCH SERIES V TRUST
PLAINTIFF,

v.

DONALD UHEREK, BRETT UHEREK,
THE UNKNOWN HEIRS AT LAW OF
ROSE MARIE JOZWIAK UHEREK,
DECEASED
DEFENDANT(S)

IN RE: 51138 JOZWIAK ROAD,
HEMPSTEAD, TX 77445

IN THE DISTRICT COURT

WALLER COUNTY, TEXAS

Waller County Court
at New Mexico Court
~~506th JUDICIAL COURT~~

ORDER ON PLAINTIFF'S MOTION FOR FINAL JUDGMENT

After considering US BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE
FOR LB-RANCH SERIES V TRUST Motion for Final Judgment, the pleadings, the evidence
on file, the Court GRANTS the Motions, and finds as follows:

Plaintiff is US BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE FOR LB-
RANCH SERIES V TRUST ("Plaintiff"). Plaintiff sued for enforcement of its first perfected
secured lien, Declaratory Judgment, and non-judicial foreclosure. This cause is exclusively an in
rem proceeding as to the enforcement and foreclosure of Plaintiff's liens on the property
described herein and no personal liability is assessed against or otherwise incurred by any of the
named defendant(s).

ORDER ON PLAINTIFF'S MOTION FOR FINAL JUDGMENT

Defendants are **DONALD UHEREK and BRETT UHEREK, AND THE UNKNOWN HEIRS AT LAW OF ROSE MARIE JOZWIAK, DECEASED** (collectively the "Defendants").

This court is vested with jurisdiction of this matter pursuant to TEX. CIV. PRAC. & REM. CODE § 17.002.

All conditions precedent to obtain a foreclosure order have occurred and Plaintiff is entitled to the relief set forth in its pleadings.

The Defendants named herein have been properly served according to law. DONALD UHEREK and BRETT UHEREK has not filed an answer or otherwise appeared before the Court. THE UNKNOWN HEIRS AT LAW OF ROSE MARIE JOZWIAK, DECEASED, have not appeared except for the answer filed by the Attorney Ad Litem and such answer does not contest the amount or validity of Plaintiff's claims.

IT IS SO ORDERED that Defendants **DONALD UHEREK and BRETT UHEREK, AND THE UNKNOWN HEIRS AT LAW OF ROSE MARIE JOZWIAK, DECEASED**, have been made a Defendants to this suit and are vested with all right, title, and interest in the real property and improvements commonly known as 51138 JOZWIAK ROAD, HEMPSTEAD, TX 77445 and legally described as follows:

Situate, lying and being in the County of Waller, State of Texas, described as follows:

A certain 2.000 acre tract of land situated in the Jared E. Groce Survey, A-30, Waller County, Texas, said 2.000 acre tract of land being out of the Northeast corner of a certain 38.62 acre tract of land conveyed to Nuch Jozwiak as Share Number 4 in Volume 207, Page 476, Deed Records of Waller County, Texas, said 2.000 acre tract of land being described as follows: BEGINNING at a 1-1/4 inch iron pipe found in the South line of Jozwiak Lane for the Northeast corner of the said 38.62 acre tract and the Northeast corner of this tract also lying in the East line of the said Jared E. Groce Survey; THENCE: South 10° 00' East along said East survey line for the East line of the said 38.62 acre tract and this tract, 297.29 feet to a 1/2 inch iron rod set for the Southeast corner of this tract; THENCE: North 89° 42' West along the South line of this tract, 297.29 feet to a 1/2 inch iron rod for the Southwest corner of this tract; THENCE: North 10° 00' West along the West line of this tract, 297.29 feet to a 1/2 inch iron rod set in the said South line of Jozwiak Lane and the North line of the said 38.62 acre tract for the Northwest corner of this tract; THENCE: North 89° 42' East along the said South line of Jozwiak Lane for the North line of said 38.62 acre tract and this tract, 297.29 feet to the POINT OF BEGINNING containing 2.000 acres of land as surveyed by John F Brewster, Registered Public Surveyor Number 1952, November 28, 1980

IT IS FURTHER ORDERED that Plaintiff is hereby granted Final Judgment against THE UNKNOWN HEIRS AT LAW OF ROSE MARIE JOZWIAK, DECEASED, DONALD UHEREK, and BRETT UHEREK.

IT IS FURTHER ORDERED that this Judgment serves as an Order authorizing Plaintiff, its successors or assigns, to foreclose its lien in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002 and the loan documents and Plaintiff is authorized to secure the property and take all necessary action related to the foreclosure.

ORDER ON PLAINTIFF'S MOTION FOR FINAL JUDGMENT

IT IS FURTHER ORDERED that Plaintiff has an enforceable superior first lien against the Property that may be enforced pursuant to a non-judicial sale.

IT IS FURTHER ORDERED that the Defendants are hereby divested, and Plaintiff and its successors and assigns are vested with all right, title, and interest in the Property described herein upon the nonjudicial foreclosure of the lien described herein. .

IT IS FURTHER ORDERED that after the non-judicial sale is held, if the property remains occupied after this judgment becomes final and Plaintiff or its successors or assigns 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 Attorney ad Litem Karen Taylor is awarded her reasonable attorney fees and costs in the amount of \$768.08 and is discharged from her duties and representation herein upon the entry of this Order.

All relief not expressly granted is denied. This judgement finally disposes of all parties and all claims and is appealable.

IT IS SO ORDERED.

SIGNED this 2nd day of DECEMBER, 2024.



Judge Presiding
ELTON R. MATHIS
WCCCL #2 Judge Elton R. Mathis
Waller County Court at Law Two

ORDER ON PLAINTIFF'S MOTION FOR FINAL JUDGMENT

APPROVED AND ENTRY REQUESTED:

Ghidotti | Berger LLP

/s/ George Scherer

George Scherer

State Bar No. 00784916

16801 Addison Rd Ste 350

Addison, TX 75001

Tel: (949) 437-2010 ext. 1029

Fax: (469) 713-3900

Email: gscherer@ghidottiberger.com

ATTORNEY FOR PLAINTIFF

FILED AND RECORDED

Instrument Number: 25-012

Filing and Recording Date: 02/06/2025 04:03:14 PM Pages: 9 Recording Fee: \$4.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in cursive script that reads "Debbie Hollan".

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

Marlene Arranaga, Deputy

Returned To: