

**2023R-01278**

POINSETT COUNTY, AR  
I CERTIFY THIS INSTRUMENT WAS FILED  
05/09/2023 10:53 AM  
MISTY RUSSELL, CIRCUIT CLERK  
BY: BRENDA HAMRICK DC

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Prepared by:  
AL.BERTELLI LAW  
1 INFORMATION WAY  
SUITE 201  
LITTLE ROCK, AR 72202  
(501) 406-0855  
ALAW File 22-012268

**NOTICE OF DEFAULT AND INTENTION TO SELL  
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION  
IF THIS PROPERTY IS SOLD YOU WILL REMAIN LIABLE FOR ANY DEFICIENCY  
WHICH THEN EXISTS AND AN ACTION TO COLLECT IT MAY BE BROUGHT AGAINST  
YOU  
THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL  
BE USED FOR SUCH PURPOSE**

NOTICE IS HEREBY GIVEN that on July 14, 2023, at or about 1:00 PM , the subject real property described herein below will be sold at of the Poinsett County Courthouse, 401 Market Street, Harrisburg, AR 72432 to the highest bidder for cash. The sale will extinguish all interests, including those of existing lien holders or previous owners in the property. THE TERMS OF SALE ARE CASH THE TIME OF SALE AND ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF THE PURCHASER.

WHEREAS, the property secured under the Deed of Trust is located in Poinsett County, Arkansas more particularly described as follows:

SITUATED IN THE CITY OF TRUMANN, POINSETT COUNTY, STATE OF ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;  
LOTS 20 AND 21, BLOCK 8 OF POINSETT LUMBER AND MANUFACTURING COMPANY'S SECOND ADDITION TO THE CITY OF TRUMANN, ARKANSAS.

Street Address: 532 West Main Street Trumann AR 72472

WHEREAS on January 27, 2004, Dallas Richey, and Rosa L. Richey, his wife, executed a Deed of Trust in favor of Swafford and Hays, as trustee for Homeowners Loan Corporation, a Delaware Corporation. Said Deed of Trust was recorded on February 13, 2004, as instrument number 04-0555 in the real property records of Poinsett County, Arkansas. The Deed of Trust was subsequently assigned to Nationstar Mortgage, LLC by virtue of an assignment dated August 13, 2013, and recorded on August 30, 2013, in Book 2013 Page 8111 in the real property records of Poinsett County, Arkansas. Said Deed of

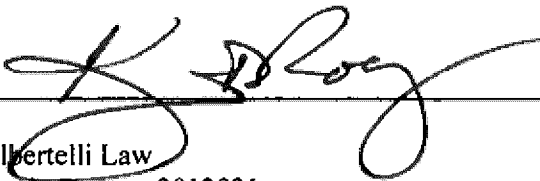
Trust was subsequently assigned to Bank of America N.A by virtue of an assignment dated December 5, 2022, and recorded on December 14, 2022, as instrument number 2022R-03919 in the real property records of Poinsett County, Arkansas. Said Deed of Trust was subsequently assigned to The Bank of New York Mellon as Trustee for CDC Mortgage Capital Trust 2004-He3 by virtue of an assignment dated December 5, 2022, and recorded on January 4, 2023, as instrument number 2023R-00048 in the real property records of Poinsett County, Arkansas. The party initiating foreclosure can be contacted at or in care of its servicer initiating foreclosure at: The Bank of New York Mellon as Trustee for CDC Mortgage Capital Trust 2004-HE3 8950 Cypress Waters Blvd Coppell TX 75019 at Telephone No. 888-480-2432; and

WHEREAS, there may be tenants that claim an interest in the real property herein based upon said tenancy; and

WHEREAS, the undersigned is the substitute trustee and is acting on and with the consent and authority of the lender who is exercising its power of sale under Ark. Code Ann. §18-50-115 which implies a power of sale in every Deed of Trust of real property situated in this state that is duly acknowledged and recorded; and default has occurred in the payment of said indebtedness, specifically the installment due December 2, 2021, and each subsequent payment to date are now due and the same is now therefore wholly due; and the holder of the debt has requested the undersigned to sell the property to satisfy said indebtedness. This sale is subject to all matters shown on any applicable recorded plat or bill(s) of assurance; any restrictive covenants, easements, set back liens or encroachments; any unpaid and/or delinquent taxes or special assessments; any statutory redemption rights of any governmental entity; any prior liens or encumbrances as well as any priority created by a UCC or fixture filing; and, to any matter that an accurate survey of the property might disclose. This property is being sold "as is" with no representation as the condition of any structure(s) thereon or the accuracy of the above legal description. Transfer taxes and recording fees are the responsibility of the purchaser.

**\*\*THIS SPACE INTENTIONALLY LEFT BLANK\*\***

WITNESS my hand this 9<sup>th</sup> day of May, 2023, The Bank of New York Mellon as Trustee for CDC Mortgage Capital Trust 2004-HE3, by its attorney-in-fact, Albertelli Law

  
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Albertelli Law  
Kevin Rogers, 2012031  
1 Information Way  
Suite 201  
Little Rock, AR 72202  
501-406-0855  
A LAW No. 22-012268

ACKNOWLEDGEMENT

STATE OF ARKANSAS §  
COUNTY OF PULASKI §

On this 9 day of May, 2023, before me, the undersigned officer, personally appeared Kevin Rogers, known to me to be the person who subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 4/14/2033

