

STATE OF NORTH CAROLINA COUNTY OF FAUX	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 14-SP-1234
IN THE MATTER OF THE FORECLOSURE of a Deed of Trust from Sally and John Homeowner dated and recorded on January 5, 2012 in Book 3452, Page 234 of the Faux County Register of Deeds by Sunshine Trustee Services, LLC (Substitute Trustee)	ORDER AUTHORIZING SALE

THIS CAUSE coming on to be heard on the 19th day of January 2017 at 2:00 p.m. before the undersigned Clerk of Superior Court of Faux County, upon the request of Substitute Trustee Services, Inc., Substitute Trustee, having been so appointed by XYZ Bank by document entitled “Substitution of Trustee,” recorded in Book 48478, Page 383 of Faux County Public Registry, for foreclosure of real estate described in that certain Deed of Trust executed by Sally and John Homeowner dated January 5, 2012 and recorded on January 7, 2012 in Book 3452, Page 234 in Faux County, NC; and

From the testimony and documents offered, IT APPEARS TO THE COURT AND THE COURT FINDS THE FOLLOWING FACTS:

1. Happy Lending, LLC made a loan to Sally Homeowner in the amount of \$450,000 on January 5, 2012.
2. The loan is evidenced by a promissory note the amount of \$450,000 dated January 5, 2012 signed by Sally Homeowner (the “Note”) and delivered to Happy Lending, LLC.
3. XYZ Bank is in possession of the Note and the original Note was presented at the hearing by counsel for XYZ Bank.
4. The Note is indorsed in blank.
5. The Note is secured by a Deed of Trust executed by Sally and John Homeowner and delivered to Happy Lending, LLC dated January 5, 2012 and recorded on January 7, 2012 in Book 3452, Page 234 in Faux County, NC.

6. XYZ Bank, in exercising its rights under the Note and the Deed of Trust, demanded full payment of the indebtedness in accordance with the provisions of the Note and the Deed of Trust; however, no payment has been received.
7. Sally Homeowner failed to make payments when due under the Note.
8. Under the terms of the Deed of Trust, the Substitute Trustee is authorized, upon default, to foreclose and sell the property described therein in accordance with the power of sale contained therein. XYZ Bank instructed the Substitute Trustee to exercise said power of sale as authorized.
9. Sally and John Homeowner were given adequate and timely notice of the hearing pursuant to copies of the Notice of Hearing which were personally served on them on January 2, 2017.
10. The pre-foreclosure notice required by G.S. 45-102 was provided to Sally Homeowner in all material respects on March 3, 2014.
11. Sally and John Homeowner are over the age of 75, retired, living full time in Faux County, and are not in military service.

Based on the foregoing findings of fact, **THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:**

1. XYZ Bank is the holder of a valid debt evidenced by the Note.
2. XYZ Bank has the right to foreclose under the terms of the Note and Deed of Trust.
3. Sally Homeowner is in default under the Note and Deed of Trust.
4. Notice to those entitled to such notice under G.S. 45-21.16 was timely and adequately given.
5. The loan evidenced by the note is a “home loan” as defined in G.S. 45-101(1b) and the pre-foreclosure notice required by G.S. 45-102 was provided in all material respects and the periods of time established by Article 11 of G.S. Chapter 45 have expired.
6. The sale is not barred by G.S. 45-21.12A or the Servicemembers Civil Relief Act because Sally and John Homeowner are not in military service.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Sunshine Trustee Services, Inc., Substitute Trustee, is hereby authorized to proceed with the foreclosure of the real property described in the Deed of Trust recorded on January 7, 2012 in Book 3452, Page 234 in Faux County, NC in accordance with the terms and provisions of the power of sale contained therein and in accordance with the General Statutes of North Carolina.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Sunshine Trustee Services, Inc., is hereby authorized to publish and otherwise give notice of the sale and to conduct a sale of the property conveyed by the Deed of Trust pursuant to the terms of the aforementioned Deed of Trust and the General Statutes of North Carolina.

This 19th day of January, 2017.

Robert Robertson

[Assistant] Clerk of Superior Court
Faux County, North Carolina

