

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

DEED OF TRUST INFORMATION:

Date: 03/10/2006
Grantor(s): JACKIE DEAN NELMS AND WIFE, SHIRLEY RITA NELMS
Original Mortgagee: H&R BLOCK MORTGAGE CORPORATION, A MASSACHUSETTS CORPORATION
Original Principal: \$92,000.00
Recording Information: Book 02409 Page 00029 Instrument 02601084 ; re-recorded under Instrument 2013-000390
Property County: Eastland
Property:

BEING 30.297 ACRES OF LAND, SITUATED IN EASTLAND COUNTY, TEXAS, OUT OF THE NORTHWEST QUARTER OF SECTION 28, BLOCK 2, E.T. RR. COMPANY SURVEY, ABSTRACT NUMBER 2060, AND BEING OUT OF A 291.485 ACRE TRACT OF LAND THAT IS DESCRIBED IN A DEED FROM WILLIAM F. AGNEW TO JOE PATRICK AGNEW, RECORDED IN VOLUME 1316 AT PAGE 228, DEED RECORDS OF EASTLAND COUNTY, TEXAS, AND FURTHER DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON ROD FOUND IN A FENCE CORNER ON THE SOUTH SIDE OF A COUNTY ROAD, AND BEING THE NORTHWEST CORNER OF SAID 291.485 ACRE TRACT, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE SOUTH 89 DEGREES 27' 23" EAST 906.83 FEET, WITH A FENCE ON THE SOUTH SIDE OF SAID COUNTY ROAD, TO AN IRON ROD SET IN A FENCE CORNER FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 01 DEGREES 42' 08" WEST 965.45 FEET, WITH A FENCE TO A 4 INCH PIPE CORNER POST, SOUTH 19 DEGREES 31' 46" EAST 173.53 FEET, WITH A FENCE TO A 4 INCH PIPE CORNER POST, SOUTH 1 DEGREE 26' 50" WEST 213.02 FEET WITH A FENCE TO AN IRON ROD SET AND SOUTH 110.86 FEET, TO AN IRON ROD SET IN A FIELD, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE WEST 936.81 FEET, TO AN IRON ROD SET IN A FENCE ON THE WEST LINE OF SAID 291.485 ACRE TRACT, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 00 DEGREES 14' 45" EAST 1461.00 FEET, WITH A FENCE TO THE POINT OF BEGINNING AND CONTAINING 30.297 ACRES OF LAND.

TOGETHER WITH A PASSAGEWAY OR ROAD, AS DESCRIBED IN DEED RECORDED IN VOLUME 2174, PAGE 115, OFFICIAL PUBLIC RECORDS EASTLAND COUNTY, TEXAS OVER AND ACROSS THE FOLLOWING DESCRIBED TRACT OF LAND:

ALL THAT CERTAIN 291.485 ACRE LOT, TRACT OR PARCEL OF LAND, SITUATED IN EASTLAND COUNTY, TEXAS, OUT OF THE NORTHWEST ONE FOURTH OF SECTION 28, BLOCK 2, ET RR CO. SURVEY, ABSTRACT NO. 2060 AND 758, AND OUT OF THE SOUTHWEST ONE FOURTH OF SECTION 28, BLOCK 2, ET RR CO. SURVEY, ABSTRACT NO. 1103, OUT OF THE SOUTHEAST ONE FOURTH OF SECTION 27, BLOCK 2, ET RR CO. SURVEY, ABSTRACT NO. 106, AND OUT OF THE NORTHEAST ONE FOURTH OF SECTION 11, BLOCK 2, ET RR CO. SURVEY, ABSTRACT NO. 96, AND BEING THE LAND THAT IS DESCRIBED IN A DEED FROM S. C. EVERETT, ET UX, TO RAY AGNEW AND RECORDED IN VOLUME 347, PAGE 240, EASTLAND COUNTY DEED RECORDS, PART OF THE LAND THAT IS DESCRIBED IN A DEED FROM VALENA P. OLSON TO RAY AGNEW THAT IS RECORDED IN VOLMUE 381, PAGE 509, SAID DEED RECORDS AND THE LAND THAT IS DESCRIBED IN A DEED FROM C. H. BOWDEN TO RAY AGNEW THAT IS RECORDED IN VOLUME 368, PAGE 558, EASTLAND COUNTY DEED RECORDS, AND FURTHER DESCRIBED IN ONE TRACT AS FOLLOWS:

BEGINNING AT AN IRON ROD SET IN THE GROUND AT THE SOUTHWEST CORNER OF SECTION 28, THE NORTHWEST CORNER OF SECTION 10, THE SOUTHEAST CORNER OF SECTION 27 AND THE NORTHEAST CORNER OF SECTION 11, BLOCK 2, SAID ET RR CO. SURVEYS;

THENCE NORTH 00 DEGREES 09' 33" WEST 72.54 FEET TO AN IRON ROD, SOUTH 89 DEGREES 49' 09" EAST 559.9 FEET TO AN IRON ROD, NORTH 00 DEGREES 00' 27" WEST 2580.73 FEET TO AN IRON ROD IN THE NORTH LINE OF THE SOUTHWEST ONE FOURTH OF SECTION 28, SOUTH 89 DEGREES 52' 10" EAST 2111.2 FEET ALONG SAID SECTION LINE TO AN IRON ROD AT THE CENTER OF SECTION 28, NORTH 00 DEGREES 00' 27" WEST 2623.07 FEET TO AN IRON ROD IN THE FENCE ON THE SOUTH SIDE OF A PUBLIC ROAD FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE NORTH 89 DEGREES 52' 27" WEST 2665.54 FEET WITH FENCE AND THE SOUTH SIDE OF SAID PUBLIC ROAD, TO AN IRON ROD SET IN A FENCE CORNER, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE SOUTH 00 DEGREES 15' 48" WEST 2622.85 FEET WITH FENCE, TO AN IRON ROD SET IN A FENCE CORNER AT THE SOUTHWEST CORNER OF THE

RECEIVED 2:19 P
CATHY JENTHO, COUNTY CLERK

DEC 12 2013

EASTLAND COUNTY TEXAS
By 9540-N-1238

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POSTPKG

NORTHWEST ONE FOURTH OF SAID SECTION 28:

THENCE NORTH 89 DEGREES 58' 19" WEST 930.58 FEET WITH FENCE, AN IRON ROD IN FENCE CORNER, SOUTH 00 DEGREES 05' 09" WEST 1033.36 FEET WITH FENCE, AN IRON ROD IN FENCE CORNER, SOUTH 00 DEGREES 24' 02" EAST 868.73 FEET WITH FENCE, AN IRON ROD IN FENCE CORNER, SOUTH 00 DEGREES 20' 54" WEST 745.33 FEET WITH FENCE, AN IRON ROD IN FENCE CORNER, SOUTH 88 DEGREES 30' 46" WEST 80.64 FEET WITH FENCE, AN IRON ROD IN FENCE CORNER, AND SOUTH 01 DEGREES 57' 08" WEST 674.8 FEET WITH FENCE, TO A CONCRETE MARKER FOUND AT A FENCE CORNER, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 89 DEGREES 29' 32" EAST 1369.0 FEET WITH FENCE, TO AN IRON ROD IN FENCE CORNER, FOR A SOUTHEAST CORNER OF THIS TRACT AND NORTH 00 DEGREES 21' 27" WEST 661.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 291.485 ACRES OF LAND, OF WHICH 80.1 ACRES IS IN ABSTRACT NO. 2060, 80.776 ACRES IS IN ABSTRACT NO. 758, 33.374 ACRES IS IN ABSTRACT NO. 1103, 76.423 ACRES IS IN ABSTRACT NO. 106 AND THE REMAINING 20.812 ACRES IS IN ABSTRACT NO. 96.

Reported Address: 417 COUNTY ROAD 375, RISING STAR, TX 76471-3427

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT3, Asset-Backed Certificates, Series 2006-OPT3

Mortgage Servicer: Ocwen Loan Servicing, LLC

Current Beneficiary: Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT3, Asset-Backed Certificates, Series 2006-OPT3

Mortgage Servicer Address: 1661 Worthington Rd, Suite 100, West Palm Beach, FL 33409

SALE INFORMATION:

Date of Sale: Tuesday, the 3rd day of January, 2017

Time of Sale: 1:00PM or within three hours thereafter.

Place of Sale: AT THE SOUTH ENTRANCE STEPS OF THE COURTHOUSE in Eastland County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Eastland County Commissioner's Court.

Substitute Trustee(s): Terry Browder, Laura Browder, Marsha Monroe, Sammy Hooda, Michael Burns, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act

Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Terry Browder, Laura Browder, Marsha Monroe, Sammy Hooda, Michael Burns, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Terry Browder, Laura Browder, Marsha Monroe, Sammy Hooda, Michael Burns, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Very truly yours,

Buckley Madole, P.C.



CAUSE NO. CV1343178

IN RE: ORDER FOR FORECLOSURE
CONCERNING

IN THE DISTRICT COURT

417 COUNTY ROAD 375, RISING
STAR, TX 76471-3427

91ST DISTRICT COURT

UNDER TEX. R. CIV. PROC. 736

EASTLAND COUNTY, TEXAS

DEFAULT ORDER ALLOWING FORECLOSURE

1. On this day, the Court considered Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT3, Asset backed Certificates, Series 2006-OPT3 (Petitioner) motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order are
Jackie Dean Nelms, whose last known address is
417 County Road 375, Rising Star, TX 76471-3427; and
Shirley Rita Nelms, whose last known address is
417 County Road 375, Rising Star, TX 76471-3427.
Each Respondent was properly served with the citation, but none filed a response within

the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.

3. The property that is the subject of this foreclosure proceeding is commonly known as 417

County Road 375, Rising Star, TX 76471-3427 with the following legal description:

BEING 30.297 ACRES OF LAND, SITUATED IN EASTLAND COUNTY, TEXAS, OUT OF THE NORTHWEST QUARTER OF SECTION 28, BLOCK 2, E.T. RR. COMPANY SURVEY, ABSTRACT NUMBER 2060, AND BEING OUT OF A 291.485 ACRE TRACT OF LAND THAT IS DESCRIBED IN A DEED FROM WILLIAM F. AGNEW TO JOE PATRICK AGNEW, RECORDED IN VOLUME 1316 AT PAGE 228, DEED RECORDS OF EASTLAND COUNTY, TEXAS, AND FURTHER DESCRIBED AS FOLLOWS;

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4. The lien to be foreclosed is indexed or recorded at Instrument Number: 2013-000390 and recorded in the real property records of Eastland County, Texas.
5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.
7. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.

8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 23 day of May, 2016.



JUDGE PRESIDING

FILED
200 O'CLOCK M
MAY 23 2016
TERRY L. BARNETT, DISTRICT CLERK
Deputy