

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

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.

1. **Date, Time, and Place of Sale.**

Date: April 03, 2018
Time: The sale will begin at 10:00AM or not later than three hours after that time.
Place: THE NORTHSIDE DOOR OF THE CASS COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale. Cash.**

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated March 25, 2009 and recorded in Document CLERK'S FILE NO. 2009001510 real property records of CASS County, Texas, with W H BODY AND BETTY BODY AND A/K/A BETTY J BODY, grantor(s) and REGIONS BANK, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by W H BODY AND BETTY BODY AND A/K/A BETTY J BODY, securing the payment of the indebtednesses in the original principal amount of \$122,500.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. REGIONS BANK is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

6. **Mortgage Servicer Information.** 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 lien securing the Property referenced above. REGIONS BANK, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o REGIONS BANK
2050 PARKWAY OFFICE CIRCLE
HOOVER, AL 35244



SHANNAH WALKER, KEVIN MCCARTHY, AL DAVIS, MURPHY HOWLE OR BEATRICE CARRILLO
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001



FILED FOR RECORD
2018 MAR 13 AM 10
AMY L. WATSON
CASS COUNTY CLERK

2817 W MAIN ST
ATLANTA, TX 75551

00000004591327
Date of Sale: 04/03/2018

Certificate of Posting

My name is _____, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on _____ I filed at the office of the CASS County Clerk and caused to be posted at the CASS County courthouse this notice of sale.

Declarants Name: _____
Date: _____



ALL THAT CERTAIN TRACT OR PARCEL OF LAND, PART OF THE PETER M. KEETON HR SURVEY, A-612, CASS COUNTY, TEXAS, SITUATED ABOUT 2 MILES WEST OF THE CITY OF ATLANTA, TEXAS, ON SOUTH SIDE OF US HIGHWAY 59 AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT NORTHWEST CORNER OF A TRACT OWNED BY OSCAR C. ARNOLD AND WIFE, RUTH S. ARNOLD, SAME BEING NORTHEAST CORNER OF A TRACT OWNED BY LOYD NELSON;

THENCE IN A NORTH EASTERLY DIRECTION PARALLEL WITH SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #59, A DISTANCE OF 208.71 FEET TO A STAKE FOR CORNER;

THENCE IN A SOUTHERLY DIRECTION PARALLEL TO THE WEST LINE OF SAID OSCAR C. ARNOLD AND WIFE, RUTH S. ARNOLD TRACT, A DISTANCE OF 626.13 FEET TO A STAKE FOR CORNER;

THENCE IN A WESTERLY DIRECTION PARALLEL TO SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 59, A DISTANCE OF 208.71 FEET, A STAKE FOR CORNER IN WEST LINE OF SAID ARNOLD TRACT AND EAST LINE OF NELSON TRACT, A DISTANCE OF 626.13 FEET TO PLACE OF BEGINNING, CONTAINING 3 ACRES OF LAND, MORE OR LESS.

LESS AND EXCEPT

ALL THAT CERTAIN 0.122 ACRE TRACT OF LAND IN THE PETER M. KEETON SURVEY, A-612, IN CASS COUNTY, TEXAS, BEING PART OF THE CALLED 3 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED FROM OSCAR C. ARNOLD AND WIFE, RUTH S. ARNOLD TO HENRY A. KING, JR. AND WIFE, HELEN KING, DATED MAY 17, 1992, AND RECORDED IN VOLUME 428, PAGE 19 OF THE DEED RECORDS OF CASS COUNTY, TEXAS, SAID 0.122 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THE KING TRACT AND IN THE SOUTHWEST CORNER OF THE JAMES LEROY HEMPERLY AND WIFE, ANN ELKINS HEMPERLY TRACT OF LAND DESCRIBED IN INSTRUMENT OF RECORD IN VOLUME 704, PAGE 546 OF THE DEED RECORDS OF CASS COUNTY, TEXAS;

THENCE N 00 DEG. 44' 16" E WITH THE WEST LINE OF THE HEMPERLY TRACT, 590.38 FEET TO A 1/2" IRON ROD SET FOR THE POINT OF BEGINNING ON THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 59, 82.84 FEET AT RIGHT ANGLES, LEFT FROM THE SURVEY CENTERLINE OF U.S. HIGHWAY NO. 59 HERINAFTER REFERRED TO AS THE "SURVEY CENTERLINE" AT SURVEY CENTERLINE STATION 38+25.23;

THENCE S 72 DEG. 20' 55" W WITH THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 59, 204.20 FEET TO A 1/2" IRON ROD SET 71.19 FEET AT RIGHT ANGLES, LEFT FROM SURVEY CENTERLINE STATION 140+29.09, SAID 1/2" IRON ROD BEING IN THE WEST LINE OF THE KING TRACT AND THE EAST LINE OF THE LEE NAILING TRACT DESCRIBED IN INSTRUMENT OF RECORD IN VOLUME 509, PAGE 1 OF THE DEED RECORDS OF CASS COUNTY, TEXAS;

THENCE N 00 DEG 40' 21" E WITH THE EAST LINE OF THE NAILING TRACT, 22.79 FEET TO A 5/8" IRON ROD FOUND FOR ITS NORTHEAST CORNER AND THE NORTHWEST CORNER OF THE KING TRACT IN THE EXISTING SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 59;

THENCE N 69 DEG. 04' 41" E WITH THE EXISTING SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 59, 125.65 FEET TO A BROKEN CONCRETE RIGHT-OF-WAY MARKER;

THENCE N 74 DEG 47' 20" E WITH THE EXISTING SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 59 80.10 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE KING TRACT AND THE NORTHWEST CORNER OF THE HEMPERLY TRACT;

THENCE S 00 DEG. 44' 16" W WITH THE WEST LINE OF THE HEMPERLY TRACT, 26.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.122 OF AN ACRE OF LAND, MORE OR LESS.

Cause No. 14C575

REGIONS BANK,
Plaintiff,

IN THE DISTRICT COURT

v.

BETTIE ALLEN BODY, AND THE
UNKNOWN HEIRS AT LAW OF
WILLIAM HENRY BODY,
DECEASED,
Defendants.

OF CASS COUNTY, TEXAS

In Re: 2817 W. MAIN STREET,
ATLANTA, TEXAS 75551

5TH JUDICIAL DISTRICT

FINAL JUDGMENT

After considering plaintiff, Regions Bank's, its successors or assigns, motion for final judgment, pleadings, and evidence on file the Court GRANTS the motion and finds:

1. Citation properly served on defendants according to law and remained on file with the Clerk of this Court for the time prescribed by law.
2. Defendant Donald Allen was served with process and defendant has not filed an answer or any pleading constituting an answer and have not entered an appearance in this lawsuit. The last known address for defendant, Donald Allen is as follows: 55200 Woodmont Drive, Oklahoma City, OK 73135.
3. None of the defendants who were personally served are in active military service.
4. James Vetschoyle was appointed as attorney ad litem according to TEX. R. CIV. P. 244 for defendants, Bettie Allen body and the unknown heirs-at-law of William Henry Body, deceased served citation by publication.
5. The Loan Agreement between W. H. Body, Betty Body, and the plaintiff is in default and that plaintiff is the beneficiary of that agreement on the property made the basis of this lawsuit.
6. Plaintiff is entitled to the relief sought in plaintiff's original petition. Therefore it is:

ORDERED that:

All of William Henry Body's ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the real property and improvements commonly known as 2817 W. Main Street, Atlanta, Texas 75551 ("Property") and legally described as:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, PART OF THE PETER M. KEETON HR SURVEY, A-612, CASS COUNTY, TEXAS, SITUATED ABOUT 2 MILES WEST OF THE CITY OF ATLANTA, TEXAS, ON SOUTH SIDE OF US HIGHWAY 59 AND DESCRIBED AS FOLLOWS, TO WIT:

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THENCE S 00 DEG. 44' 16" W WITH THE WEST LINE OF THE HEMPERLY TRACT, 26.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.122 OF AN ACRE OF LAND, MORE OR LESS.

FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated March 25, 2009 and filed under Instrument Number 2009001510 of the Official Public Records of Cass County, Texas.

FURTHER ORDERED that this Judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

FURTHER ORDERED that a copy of this Judgment shall be sent to defendants with the notice of the date, time, and place of the foreclosure sale.

FURTHER ORDERED that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale also be mailed to counsel by certified mail.

FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

FURTHER ORDERED that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the plaintiff 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.

FURTHER ORDERED that as part of the costs of court, and payable by plaintiff, James Verschoyle, the Attorney Ad Litem is granted the sum of \$ 2,442.00 and discharged as Ad Litem in this cause.

FURTHER ORDERED that all other costs of court are taxed against the party incurring same.


All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.


SIGNED this 4th day of August 2016.


PRESIDING JUDGE

APPROVED AS TO FORM & SUBSTANCE: APPROVED AS TO FORM ONLY:


Jennifer K. Chacko
State Bar No.: 24082482
4004 Belt Line Road, Ste. 100
Addison, Texas 75001
(972) 341-5321
(972) 341-0734 (Facsimile)
JenniC@bdfgroup.com

ATTORNEY FOR PLAINTIFF

/s/ James Verchoyle

James Verchoyle
State Bar No.: 20554000
Post Office Box 568
Atlanta, Texas 75551
(903) 796-4187
(903) 796-6522 (Facsimile)

ATTORNEY AD LITEM