

**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.**

## NOTICE OF FORECLOSURE SALE

**1 THE PROPERTY TO BE SOLD**

COMMONLY KNOWN AS

5131 US HIGHWAY 77, WARDA, TEXAS 78960

LEGAL DESCRIPTION

SEE EXHIBIT "A"

**2 THE DEED OF TRUST TO BE FORECLOSED UPON**

RECORDED IN REAL PROPERTY RECORDS OF  
FAYETTE COUNTY

RECORDED ON UNDER DOCUMENT#  
July 18, 2012 12-4671

**3 THE SALE IS SCHEDULED TO BE HELD**

PLACE

In the area of the courthouse bulletin board which is located on and in the stone wall enclosure located on the northwest portion of the Fayette County courthouse square facing West Colorado Street near its intersection with North Main Street or as designated by the County Commissioner's Office

DATE December 1, 2020 TIME 10:00 AM

**FILED**  
2:20 PM  
OCT 19 2020

*Brenda Fietsam*  
BRENDA FIETSAM MK  
CO. CLERK, FAYETTE CO., TEXAS

### TERMS OF SALE

The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the Deed of Trust, the mortgagee 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 § 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.

### OBLIGATIONS SECURED

The Deed of Trust executed by JOYCE SPENCE A/K/A JOYCE JANELL SPENCE, provides that it secures the payment of the indebtedness in the original principal amount of \$ 262,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. REVERSE MORTGAGE SOLUTIONS, INC. is the current mortgagee of the note and deed of and REVERSE MORTGAGE SOLUTIONS, INC. is the current mortgage servicer. A servicing agreement between the mortgager, whose address is 14405 Walters Rd., Suite 200, Houston, Texas 77014, and the mortgage service exists. TEXAS PROPERTY CODE § 51.0025 authorizes the mortgage servicer to collect the debt.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE, THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

In accordance with Texas Property Code § 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint the following as Substitute Trustee to act under and by virtue of said Deed of Trust:

MEGAN RANDALL, EBBIE MURPHY, ANNAROSE M. HARDING, SARA A. MORTON, and/or BRANCH M. SHEPPARD.

ATTORNEYS AT LAW

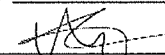
Branch M. Sheppard  
Annarose M. Harding  
Sara A. Morton

  
GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH  
A PROFESSIONAL LAW CORPORATION  
1301 McKinney Street, Suite 1400  
Houston, Texas 77010  
(713) 599-0700

### CERTIFICATE OF POSTING

I declare under penalty of perjury that I filed this Notice of Foreclosure Sale at the office of the County Clerk and caused it to be posted at the location directed by the County Commissioners Court.

POSTED 10/19/2020

NAME 

Megan L. Randle TRUSTEE

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## **EXHIBIT "A"**

FIELDNOTES DESCRIPTION TO ACCOMPANY SURVEY OF A 0.756 ACRE TRACT OF LAND SITUATED ON THE NORTH SIDE OF WARDA, APPROXIMATELY 10.71 MILES N15°W OF LA GRANGE, IN FAYETTE COUNTY, TEXAS. THE SAID TRACT OF LAND BEING A PORTION OF ABSTRACT 279, GEORGE ROBINSON, ORIGINAL GRANTEE, BEING ALL OF THAT CERTAIN 0.754 ACRE TRACT OF LAND CONVEYED TO MICHAEL M. SNIDER, ET UX, MICHELE J., BY AN INSTRUMENT (1043/81) RECORDED IN THE FAYETTE COUNTY OFFICIAL PUBLIC RECORDS, AND ALSO BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 77 (100' R.O.W.) WITH THE SOUTHEAST LINE OF THAT CERTAIN 574 5/8 ACRE TRACT OF LAND CONVEYED TO JOHN P. KUNZE, BY AN INSTRUMENT (180/292) RECORDED IN THE FAYETTE COUNTY DEED RECORDS, ALSO BEING IN THE COMMON LINE BETWEEN THE SAID ABSTRACT 279 AND ABSTRACT 127, SURVEY NO. 53, THOMAS O. BERRY, ORIGINAL GRANTEE, FOR THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N32°32'34"E (BASIS OF BEARING), 172.04 FEET, LEAVING THE SAID EAST RIGHT-OF-WAY LINE, WITH THE COMMON LINE BETWEEN THE HEREIN DESCRIBED TRACT AND THE SAID KUNZE TRACT, ALSO BEING THE COMMON LINE BETWEEN THE SAID ABSTRACTS, TO A 1/2 INCH IRON ROD FOUND FOR A WEST CORNER OF THE REMAINDER OF THAT CERTAIN 27.25 ACRE TRACT OF LAND CONVEYED TO ROY B. LEHMANN, ET UX, RUTH K., BY AN INSTRUMENT (337/455) RECORDED IN THE SAID DEED RECORDS, ALSO BEING THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, LEAVING THE SOUTHEAST LINE OF THE SAID KUNZE TRACT, ALSO BEING THE SOUTHEAST LINE OF ABSTRACT 127, ACROSS THE SAID ABSTRACT 279, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) S18°51'45"E, 294.31 FEET, WITH THE COMMON LINE BETWEEN THE HEREIN DESCRIBED TRACT AND THE REMAINDER OF THE SAID 27.25 ACRE TRACT, TO A 1/2 INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF SAME, ALSO BEING THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

2) S75°58'14"W, 150.03 FEET, WITH THE COMMON LINE BETWEEN THE HEREIN DESCRIBED TRACT AND AT FIRST WITH THE REMAINDER OF THE SAID 27.25 ACRE TRACT, AND THEN WITH THAT CERTAIN 0.275 ACRE TRACT OF LAND CONVEYED TO ROY B. LEHMANN, ET UX, RUTH, BY AN INSTRUMENT (532/55) RECORDED IN THE SAID DEED RECORDS, TO A CALCULATED POINT ON THE SAID EAST RIGHT-OF-WAY LINE, FOR THE NORTHWEST CORNER OF THE SAID 0.275 ACRE TRACT, ALSO BEING THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT, WHENCE A 1/2 IRON ROD FOUND FOR WITNESS BEARS S75°58'14"W, 0.25 FEET;

3) N13°56'00"W, 175.00 FEET, WITH THE SAID EAST RIGHT-OF-WAY LINE, ALSO BEING THE WEST LINE OF THE HEREIN DESCRIBED TRACT TO THE **POINT OF BEGINNING**. THE SAID TRACT OF LAND, SURVEYED THE 15TH DAY OF JUNE 2004, BY WILLIAM P. BERNSEN, RPLS #5506, CONTAINS WITHIN THESE METES AND BOUNDS, 0.756 ACRES OF LAND.

**FOR INFORMATIONAL PURPOSES ONLY:** THE ABOVE DESCRIBED PROPERTY IS ALSO KNOWN AS 5131 N. US HWY 77, WARDA, TX 78960.