

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FAYETTE County

Deed of Trust Dated: September 23, 2005

Amount: \$121,566.00

Grantor(s): JEFF VOTAW and JENNIFER A. VOTAW

COPY  
THE ORIGINAL INSTRUMENT WAS  
FILED IN FAYETTE COUNTY TEXAS ON  
JUN 12 2017

FILED

JUN 12 2017

*Julie K. Karstedt*

JULIE KARSTEDT

CO. CLERK, FAYETTE CO., TEXAS

Original Mortgagee: WATERMARK FINANCIAL PARTNERS INC.

Current Mortgagee: DLJ MORTGAGE CAPITAL, INC.

**Mortgagee Servicer and Address:** c/o SELECT PORTFOLIO SERVICING, INC., 3217 South Decker Lake Drive, Salt Lake City, UT 84119

Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property

**Recording Information:** Document No. 05-5620

**Legal Description:** SEE EXHIBIT A

**Date of Sale:** September 5, 2017 between the hours of 10:00 AM and 1:00 PM.

**Earliest Time Sale Will Begin:** 10:00 AM

**Place of Sale:** The foreclosure sale will be conducted at public venue in the area designated by the FAYETTE County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

MEGAN RANDLE OR LOUISE GRAHAM, DONALD GRAHAM OR EBBIE MURPHY have been appointed as Substitute Trustee(s), ('Substitute Trustee') each empowered to act independently, in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust.

The Substitute Trustee will sell the Property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

**NOTICE IS FURTHER GIVEN** that, except to the extent that the Substitute Trustee(s) may bind and obligate the Mortgagors to warrant title to the Property under the terms of the Deed of Trust, conveyance of the Property shall be made 'AS IS' 'WHERE IS' without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901 et seq.), and state law, including Section 51.015 Texas Property Code. 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.

**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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER**

*KBS*

KRISTEN BATES, ATTORNEY AT LAW  
HUGHES, WATTERS & ASKANASE, L.L.P.  
1201 Louisiana, Suite 2800  
Houston, Texas 77002  
Reference: 2015-009256

*House Mahan*  
MEGAN RANDLE OR LOUISE GRAHAM, DONALD GRAHAM OR EBBIE MURPHY  
c/o Tejas Trustee Services  
4100 Midway Rd Ste 1040  
Carrollton, TX 75007

EXHIBIT "A"

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS, A PART OF THE REUBIN FISHER 4146.3 ACRE SURVEY, A-181, SAME BEING A PART OF A 120.00 ACRE TRACT OF LAND CONVEYED FROM RAY B. MOORE, ET UX. TO RONALD A. VOSS, TRUSTEE IN A DEED DATED AUGUST 31, 1962 AND RECORDED IN VOLUME 611, PAGE 866 DEED RECORDS OF FAYETTE COUNTY, TEXAS AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT AN IRON PIN FOR THE SOUTHEAST CORNER, SAME LYING IN THE SOUTH BOUNDARY OF SAID SOUTH 88 DEGREES 30' 45" WEST 144.0 FEET FROM THE SOUTHEAST CORNER OF THE SAID R. A. VOSS, TRUSTEE 120.00 ACRES, SAME LYING IN THE SOUTH MARGIN OF A 50.0 FEET WIDE BASEMENT;

THENCE, ALONG THE SOUTH BOUNDARY OF THE SAID R. A. VOSS, TRUSTEE 120.00 ACRES, SOUTH 88 DEGREES 30' 45" WEST 346.6 FEET TO AN IRON PIN FOR THE SOUTHWEST CORNER;

THENCE, NORTH PASSING AN IRON PIN AT 50.0 FEET FOR NORTH BOUNDARY OF A 2.09 ACRE EASEMENT AND PASSING AN IRON PIN AT 1179.7 FEET A TOTAL DISTANCE OF 1229.7 FEET TO A POINT IN THE CENTER OF CRISWELL CREEK, FOR THE NORTHWEST CORNER;

THENCE, ALONG THE CENTER OF THE SAID CRISWELL CREEK, SOUTH 62 DEGREES 57' 30" EAST 55.00 FEET, NORTH 33 DEGREES 05' 20" EAST 120.4 FEET, SOUTH 75 DEGREES 27' 50" EAST, 18.2 FEET, SOUTH 27 DEGREES 24' 20" EAST, 55.9 FEET, SOUTH 68 DEGREES 24' 10" EAST 33.1 FEET, NORTH 32 DEGREES 39' 10" EAST 41.3 FEET, NORTH 76 DEGREES 04' 10" EAST 92.5 FEET, SOUTH 75 DEGREES 10' 50" EAST 72.8 FEET AND NORTH 70 DEGREES 59' 00" EAST 14.8 FEET TO A POINT IN THE CENTER OF SAID CRISWELL CREEK FOR THE NORTHEAST CORNER;

THENCE SOUTH PASSING AN IRON PIN AT 16.0 FEET AND PASSING AN IRON PIN AT 1213.8 FEET FOR THE NORTH BOUNDARY OF A 2.09 ACRE EASEMENT A TOTAL DISTANCE OF 1269.8 FEET TO THE POINT OF BEGINNING CONTAINING 10.00 ACRES OF LAND.

ALSO SUBJECT TO THE FOLLOWING EASEMENTS:

4.69 ACRE EASEMENT:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS, A PART OF THE REUBIN FISHER 4146.3 ACRE SURVEY, A-181 AND THE DAVID BERRY 320 ACRE SURVEY, A-140, SAME BEING A PART OF A 391.0 ACRE TRACT OF LAND CONVEYED FROM JOHN L. SHEPARD, ET UX TO RAY B. MOORE IN A DEED DATED DECEMBER 2, 1977 AND RECORDED IN VOLUME 512, PAGES 429-430, DEED RECORDS OF FAYETTE COUNTY, TEXAS AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER, SAME BEING THE MOST SOUTH SOUTHEAST CORNER OF THE SAID RAY B. MOORE 391 ACRES;

THENCE SOUTH 88 DEGREES 09' 30" WEST 60.0 FEET ALONG THE SOUTH BOUNDARY OF THE SAID RAY B. MOORE 391 ACRES TO THE SOUTHWEST CORNER;

THENCE NORTH 80 DEGREES 27' WEST 368.2 FEET AND NORTH 80 DEGREES 31' 10" WEST 2137.6 FEET TO THE NORTHWEST CORNER;

THENCE NORTH 88 DEGREES 30' 45" EAST 951.9 FEET TO THE NORTHEAST CORNER;

THENCE SOUTH 60.0 FEET TO THE MOST EAST SOUTHEAST CORNER, SAME LYING IN THE MOST EAST SOUTH BOUNDARY OF THE SAID RAY B. MOORE 391 ACRES.

THENCE SOUTH 88 DEGREES 39' 45" WEST 891.4 FEET ALONG THE MOST EAST SOUTH BOUNDARY OF THE SAID RAY B. MOORE 391 ACRES TO AN INTERIOR CORNER, SAME BEING AN INTERIOR CORNER OF THE SAID RAY B. MOORE 391 ACRES, SAME LYING IN THE WEST BOUNDARY OF THE SAID REUBIN FISHER 4146.3 ACRE SURVEY

Commitment for Title Insurance - No. 10-00679140  
AND THE EAST BOUNDARY OF THE SAID DAVID BERRY 320 ACRE SURVEY,

THENCE ALONG THE EAST BOUNDARY OF THE SAID DAVID BERRY 320 ACRE SURVEY, SOUTH 00 DEGREES 31' 30" EAST 2078.6 FEET AND SOUTH 00 DEGREES 27' EAST 366.8 FEET TO THE PLACE OF BEGINNING CONTAINING 4.68 ACRES.

**0.80 ACRE EASEMENT**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS A PART OF THE DAVID BERRY 320 ACRE SURVEY A-140, SAME BEING ALL OF THAT 100 ACRE TRACT OF LAND CONVEYED FROM JOHN L. SHEPARD ET UX TO RAY B. MOORE IN A DEED DATED DECEMBER 2, 1977 AND RECORDED IN VOLUME 512, PAGES 434-436, DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER SAME BEING THE NORTHEAST CORNER OF THE SAID RAY B. MOORE 100 ACRES;

THENCE ALONG THE EAST BOUNDARY OF THE SAID RAY B. MOORE 100 ACRES, SOUTH 00 DEGREES 27' EAST 520.4 FEET TO THE WEST MARGIN OF COUNTY ROAD 121 AND SOUTH 60.0 FEET ALONG THE WEST MARGIN OF COUNTY ROAD 121 TO THE SOUTHEAST CORNER;

THENCE WEST 60.0 FEET TO THE SOUTHWEST CORNER.

THENCE NORTH 60.0 FEET AND NORTH 00 DEGREES 27' WEST 518.7 FEET TO THE NORTHWEST CORNER, SAME LYING IN THE NORTH BOUNDARY OF THE SAID RAY B. MOORE 100 ACRES;

THENCE NORTH 88 DEGREES 09' 30" EAST 60.0 FEET ALONG THE NORTH BOUNDARY OF THE SAID RAY B. MOORE 100 ACRES TO THE PLACE OF BEGINNING CONTAINING 0.80 ACRES OF LAND.

**2.09 ACRE EASEMENT**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS, A PART OF THE REUBIN FISHER 4146.3 ACRE SURVEY, A-181, SAME BEING A PART OF A 120.00 ACRE TRACT OF LAND CONVEYED FROM RAY B. MOORE, ET UX TO RONALD A. VOSS, TRUSTEE IN A DEED DATED AUGUST 31, 1982 AND RECORDED IN VOLUME 611, PAGE 806, DEED RECORDS OF FAYETTE COUNTY, TEXAS AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT AN IRON PIN FOR THE SOUTHWEST CORNER, SAME BEING THE SOUTHWEST CORNER OF THE SAID RONALD A. VOSS, TRUSTEE 120.00 ACRES;

THENCE ALONG THE WEST BOUNDARY OF THE SAID RONALD A. VOSS, TRUSTEE 120.00 ACRES, NORTH 50.00 FEET TO AN IRON PIN FOR THE NORTHWEST CORNER;

THENCE NORTH 88 DEGREES 30' 45" EAST 1817.6 FEET TO AN IRON PIN FOR THE NORTHEAST CORNER;

THENCE SOUTH 50.0 FEET TO AN IRON PIN FOR THE SOUTHEAST CORNER, SAME LYING IN THE SOUTH BOUNDARY OF THE SAID RONALD A. VOSS, TRUSTEE, 120.00 ACRES;

THENCE ALONG THE SOUTH BOUNDARY OF THE SAID RONALD A. VOSS, TRUSTEE 120.00 ACRES, SOUTH 88 DEGREES 30' 45" WEST 1817.6 FEET TO THE PLACE OF BEGINNING CONTAINING 2.09 ACRES OF LAND.

SAVE AND EXCEPT AND THERE IS HEREBY RESERVED UNTO GRANTOR, HIS HEIRS AND ASSIGNS, THE FREE AND UNINTERRUPTED USE AND EASEMENT OF PASSING IN AND ALONG A CERTAIN PASSAGeway OR ROAD ACROSS THE 10 ACRES TRACT OF LAND HEREIN CONVEYED, LOCATED ALONG THE ENTIRE SOUTHERN BOUNDARY LINE OF SAID PROPERTY, AND BEING 50 FEET IN WIDTH AND TO USE SUCH PASSAGeway OR ROAD AT ALL TIMES IN COMMON WITH GRANTEE, HIS HEIRS AND ASSIGNS.

TOGETHER WITH A MOBILE HOME DESCRIBED AS FOLLOWS.

TRANSCONTINENTAL TITLE  
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Commitment for Title Insurance - No. 10-00679140  
MAKE: FLEETWOOD  
MODEL: 2004 SANDPOINT  
SERIAL #: MTX3145

NOTE: THE COMPANY DOES NOT INSURE THE AREA OR QUANTITY OF THE LAND DESCRIBED HEREIN. ANY STATEMENT IN THE ABOVE LEGAL DESCRIPTION OF THE AREA OR QUANTITY OF LAND IS NOT A REPRESENTATION THAT SUCH AREA OR QUANTITY IS CORRECT.