



VG-1443-2022-2201079

Freestone
County
Renee Reynolds
Freestone County
Clerk

Instrument Number: 2201079

Foreclosure Posting

NOTICE OF FORECLOSURE

Recorded On: March 24, 2022 01:20 PM

Number of Pages: 9

" Examined and Charged as Follows: "

Total Recording: \$8.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2201079
Receipt Number: 20220324000020
Recorded Date/Time: March 24, 2022 01:20 PM
User: LaVerne M
Station: Clerk Station

Record and Return To:

MOLLY MCCOSLIN



STATE OF TEXAS
COUNTY OF FREESTONE

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Freestone County, Texas.

Renee Reynolds
Freestone County Clerk
Freestone County, TX

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE**

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.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code. I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Mollie McCoslin, Robert LaMont, Sheryl LaMont, Harriett Fletcher, Allan Johnston, Sharon St. Pierre, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATE, PLLC, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on May 03, 2022 between the hours of 10am-1pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: The front steps at the south entrance of the Freestone County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in FREESTONE County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 10/01/2004 and recorded under Volume, Page or Clerk's File No. DOC#04006832 in the real property records of Freestone County Texas, with BETTY MACKLIN, AKA BETTY R WILLIAMS, AM UNMARRIED WOMAN, as Grantor(s) and New Century Mortgage Corp. as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by BETTY MACKLIN, AKA BETTY R WILLIAMS, AM UNMARRIED WOMAN, securing the payment of the indebtedness in the original principal amount of \$64,000.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by BETTY MACKLIN, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE, FOR NEW CENTURY HOME EQUITY LOAN TRUST 2004-4 is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
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 property securing the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE, FOR NEW CENTURY HOME EQUITY LOAN TRUST 2004-4 who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:



DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE
TRUSTEE, FOR NEW CENTURY HOME EQUITY LOAN TRUST 2004-4
c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD, SUITE 200-A
ANAHEIM, CA 92806

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, BEING A 0.396 ACRE OF LAND, SITUATED IN THE R. B. LONGBOTHAM SURVEY, ABSTRACT NO. 16, IN THE TOWN OF WORTHAM, FREESTONE COUNTY, TEXAS, AND BEING PART OF A CALLED 4.23 ACRES TRACT DESCRIBED IN DEED FROM J. E. MCLELLAND, SR., AND WIFE, IRENE MCLELLAND TO J.W. YATES ET AL. DATED MARCH 3, 1971, AND RECORDED IN VOLUME 438 PAGE 762, IN THE DEED RECORDS OF FREESTONE COUNTY, TEXAS. SAID 0.396 ACRE IS MORE FULLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 1" PIPE FOUND FOR CORNER, IN THE NORTHWEST CORNER OF SAID 4.23 ACREA TRACT, AND IN THE EAST LINE OF SOUTH AVENUE D;

THENCE SOUTH 78 DEGREES 30 MINUTES 15 SECONDS EAST 150.00 FEET TO A 1/2" ROD SET FOR CORNER;

THENCE SOUTH 11 DEGREES 00 MINUTES 00 SECONDS WEST 115.00 FEET TO A 1/2" ROD SET FOR CORNER;

THENCE NORTH 78 DEGREES 30 MINUTES 15 SECONDS WEST 150.00 FEET TO A 1/2" ROAD SET FOR CORNER IN THE EAST LINE OF SAID AVENUE D;

THENCE NORTH 11 DEGREES 00 MINUTES 11 SECONDS EAST 115.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.396 ACRES OF LAND.

ALSO KNOWN AS LOTS 1, 2, AND 3, BLOCK 2, WORTHAM, TEXAS AND PART OF THE F.D. WRIGHT ADDITION. (the "Property")

**REPORTED PROPERTY
ADDRESS:**

102 SOUTH AVENUE D, WORTHAM, TX 76693

TERMS OF SALE:

The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

Pursuant to Section 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Mortgagee and/or Mortgage Servicer thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and

DT: NOS AND APPT (SVC)_22

AL: 102 SOUTH AVENUE D



the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this 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.

DT: NOS AND APPT (SVC)_22


AL: 102 SOUTH AVENUE D



Signed on the 14 day of March, 2022

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



Jack O'Boyle | SBN: 15165300
jack@jackoboyle.com

Travis H. Gray | SBN: 24044965
travis@jackoboyle.com

Chris Ferguson | SBN: 24069714
chris@jackoboyle.com
P.O. Box 815369
Dallas, Texas 75381
P: 972.247.0653 | F: 972.247.0642
ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

CERTIFICATE OF POSTING

My name is Mollie McCoslin, and my address is c/o 12300 Ford Rd, Ste. 212, Dallas, TX 75234. I declare under the penalty of perjury that on 3-24-22 I filed at the office of the Freestone County Clerk and caused to be posted at the Freestone County courthouse (or other designated place) this notice of sale.

Signed: 

Declarant's Name: Mollie McCoslin

Date: 3/24/22



3. 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.

4. The property that is the subject of this foreclosure proceeding is commonly known as 102 SOUTH AVENUE D WORTHAM TX 76693 with the following legal description:

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, BEING A 0.396 ACRE OF LAND, SITUATED IN THE R. B. LONGBOTHAM SURVEY, ABSTRACT NO. 16, IN THE TOWN OF WORTHAM, FREESTONE COUNTY, TEXAS, AND BEING PART OF A CALLED 4.23 ACRES TRACT DESCRIBED IN DEED FROM J. E. MCLELLAND, SR., AND WIFE, IRENE MCLELLAND TO J.W. YATES ET AL, DATED MARCH 3, 1971, AND RECORDED IN VOLUME 438 PAGE 762, IN THE DEED RECORDS OF FREESTONE COUNTY, TEXAS. SAID 0.396 ACRE IS MORE FULLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 1" PIPE FOUND FOR CORNER, IN THE NORTHWEST CORNER OF SAID 4.23 ACREA TRACT, AND IN THE EAST LINE OF SOUTH AVENUE D;

THENCE SOUTH 78 DEGREES 30 MINUTES 15 SECONDS EAST 150.00 FEET TO A 1/2" ROD SET FOR CORNER;

THENCE SOUTH 11 DEGREES 00 MINUTES 00 SECONDS WEST 115.00

7015FC.0265

DN: HE Default Order 211224

RE: 102 SOUTH AVENUE
D
20220314

FEET TO A 1/2" ROD SET FOR CORNER;

THENCE NORTH 78 DEGREES 30 MINUTES 15 SECONDS WEST 150.00
FEET TO A 1/2" ROAD SET FOR CORNER IN THE EAST LINE OF SAID
AVENUE D;

THENCE NORTH 11 DEGREES 00 MINUTES 11 SECONDS EAST 115.00
FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.396 ACRES OF
LAND.

ALSO KNOWN AS LOTS 1, 2, AND 3, BLOCK 2, WORTHAM, TEXAS AND
PART OF THE F.D. WRIGHT ADDITION.

5. The lien to be foreclosed is indexed or recorded at Number DOC#04006832, and recorded in the real property records of Freestone County, Texas.

6. The material facts establishing Respondent(s)'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.

7. 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.

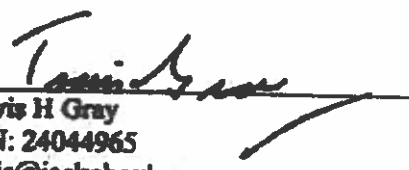
8. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner, its successors and assigns, may foreclose on the lien described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.

9. This order is not subject to a motion for rehearing, new trial, bill of review, or 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 18 day of March, 2022.


HONORABLE JUDGE PRESIDING

SUBMITTED BY:
JACK O'BOYLE & ASSOCIATES, PLLC


Travis H Gray
SBN: 24044965
travis@jackoboyle.com
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Dallas, Texas 75381
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ATTORNEYS FOR PETITIONER
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE, FOR NEW
CENTURY HOME EQUITY LOAN TRUST 2004-4

7015FC.0265

DN: HE Default Order 211224

RE: 102 SOUTH AVENUE
D
20220314