

## **NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**Property To Be Sold.** The property to be sold is described as follows:

All that certain lot, tract, or parcel of land, being 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. McClelland, 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 acres 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" rod 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 acre of land.

Also known as lots 1, 2, and 3, Block 2, Wortham, Texas and part of the F.D. Wright Addition ("Property").

**Instrument To Be Foreclosed.** The instrument to be foreclosed is a Texas Home Equity Security Instrument filed in the Official Record of Freestone County, Texas, and recorded under Instrument No. 04006832 at Volume 01294, Page 00256, on October 7, 2004.

**Date, Time, And Place Of Sale.** The sale is scheduled to be held at the following date, time, and place:

**Date:** Tuesday, February 2, 2016

**Time:** The sale will begin no earlier than 10:00 o'clock p.m. or no later than three (3) hours thereafter. The sale will be completed by no later than 1:00 o'clock p.m.

**Place:** Front steps at south entrance of courthouse, or as further designated by the County Commissioners.

**Terms Of Sale.** 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 Texas Home Equity Security Instrument, and will be conducted as a public auction to the highest bidder for cash or certified funds. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to Section 51.0075 of the Texas Property Code, the Substitute Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Substitute Trustee.

**Administration Of Foreclosure By Mortgage Servicer.** Carrington Mortgage Services, LLC ("Mortgage Servicer") is representing Deutsche Bank National Trust Company, as Indenture Trustee for New Century Home Equity Loan Trust 2004-4 ("Mortgagee"), under a servicing agreement with Mortgagee. Mortgage Servicer's address is c/o Carrington Mortgage Services, LLC, 1610 E. St. Andrew Pl., B#150, Santa Ana, California 92705.


**Default And Request To Act.** Default has occurred under the Texas Home Equity Security Instrument, and the beneficiaries have requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Mortgage Servicer, on behalf of the Mortgagee, may appoint another person substitute trustee to conduct the sale.

Return To:  
Pruyn Law Firm, PLLC  
2311 Canal Street, Suite 124  
Houston, Texas 77003

Mortgagor: Macklin  
PLF File No. 2013005

**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 THE 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.**

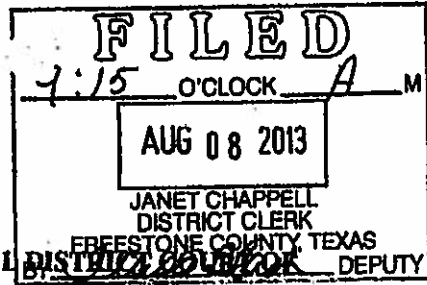
Date: January 8, 2016.



JIM MILLS, SUSAN MILLS, EMILY NORTHERN,  
RUSSELL SLATON, KORY MORGAN, DENISE  
MORGAN, DEBRA CAMPBELL, LORI GARNER, OR  
THOMAS D. PRUYN, Substitute Trustee,  
c/o 2311 Canal Street, Suite 124, Houston, Texas 77003

FILED FOR RECORD IN  
Freestone County  
Linda Jarvis  
COUNTY CLERK  
ON: Jan 11, 2016 AT 12:43P  
as Notice of Trustee Sale  
Total Fees : 8.00  
Receipt Number - 134593  
By: Addie Craig, Deputy

Return To:  
Pruyn Law Firm, PLLC  
2311 Canal Street, Suite 124  
Houston, Texas 77003



CAUSE NO. 13-164R

In re: Order for Foreclosure Concerning:

102 South Avenue D  
Wortham, Texas 76693

under Tex. R. Civ. P. 736

Deutsche Bank National Trust Company, as  
Indenture Trustee, for New Century Home  
Equity Loan Trust 2004-4,  
Petitioner,

and

Betty Macklin aka Betty R. Williams,  
Respondent.

IN THE CIVIL

FREESTONE COUNTY, TEXAS

87TH JUDICIAL DISTRICT

01503123

O  
R  
  
O  
1  
6  
6  
4

**HOME EQUITY FORECLOSURE ORDER**

On this day, the court considered the *Application for Home Equity Foreclosure Order* filed in this cause by Petitioner, Deutsche Bank National Trust Company, as Indenture Trustee, for New Century Home Equity Loan Trust 2004-4 (hereinafter "Petitioner"). After reviewing Petitioner's *Application for Home Equity Foreclosure Order* (hereinafter "Application"), together with the necessary affidavit(s) and exhibits, the court is of the opinion the Application should be GRANTED, and the court finds:

1. The court has jurisdiction over the subject matter and the parties and venue is proper in Freestone County, Texas.
2. This case is an *in rem* proceeding in which no personal liability is sought against the Respondent or Mortgagor.
3. A debt exists under the Texas Home Equity Note and Texas Home Equity Security Instrument executed by Respondent. The debt is secured by a lien created under TEX. CONST. art. XVI, § 50(a)(6). Petitioner is the holder of the Texas Home Equity Note and the beneficiary under the Texas Home Equity Security Instrument. A monetary default under the Texas Home Equity Security Instrument exists. Respondent has defaulted in making timely mortgage payments when due and owing pursuant to the terms of the Texas Home Equity Note and Texas Home Equity Security Instrument executed by Respondent. Petitioner has given Respondent the required notice of default with intent to accelerate the maturity of the debt and the notice of acceleration of the maturity of the debt.
4. The real property encumbered by the home equity lien sought to be foreclosed is commonly known as 102 South Avenue D, Wortham, Texas 76693 with the following legal description:

O  
O  
1  
2  
9

All that certain lot, tract, or parcel of land, being 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. McClelland, Sr., and wife, Irene McClelland 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 acres 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" rod 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 acre of land.

Also known as lots 1, 2, and 3, Block 2, Wortham, Texas and part of the F.D. Wright Addition.

5. The Respondent/Mortgagor is Betty Macklin aka Betty R. Williams and her last know addresses are 102 South Avenue D, Wortham, Texas 76693 and P.O. Box 353, Wortham, Texas 76693.

6. The lien to be foreclosed is found in the Texas Home Equity Security Instrument filed in the Official Public Records of Freestone County and recorded under Document No. 04006832 at Volume 01294, Page 00256.

7. Petitioner's Application establishes the basis of the foreclosure and complies with TEX. R. CIV. P. 735 and 736.

8. The return of service has been on file with the clerk of the court for at least ten days.

9. IT IS ORDERED that Petitioner, Deutsche Bank National Trust Company, as Indenture Trustee, for New Century Home Equity Loan Trust 2004-4, is authorized to proceed with foreclosure under the Texas Home Equity Security Instrument executed by Respondent and TEX. PROP. CODE § 51.002.

10. IT IS FURTHER ORDERED that Petitioner will attach a copy of this order to the trustee or substitute trustee's foreclosure deed.

11. This Order is not subject to a motion for rehearing, new trial, bill of review, or appeal. TEX. R. CIV. P. 736.8.


417

0  
R  
0  
1  
6  
6  
4  
0  
0  
1  
3  
0

O  
R  
  
O  
1  
6  
6  
4  
  
O  
O  
1  
3  
1

12. This is a final order disposing of all the claims and parties in the above numbered and styled case.

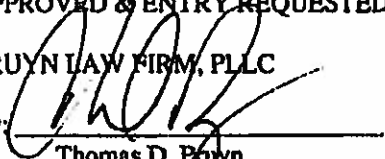
DATED this 8th day of August, 2013.

  
JUDGE PRESIDING

APPROVED & ENTRY REQUESTED:

PRUYN LAW FIRM, PLLC



By:



Thomas D. Pruyn  
State Bar No. 24031433  
Warren E. Johnsey of Counsel  
State Bar No. 10678400  
2616 South Loop West, Suite 590  
Houston, Texas 77054  
Ph: (713) 667-2700  
Fax: (713) 667-2702

ATTORNEYS FOR PETITIONER

FILED FOR RECORD IN  
Freestone County  
Linda Jarvis  
COUNTY CLERK  
ON: Jul 27, 2015 AT 10:23A  
as Recordings  
Document Number: 01503123  
Total Fees : 34.00  
Receipt Number - 132307  
By: kirsten Cox, Deputy

STATE OF TEXAS  
COUNTY OF FREESTONE  
I, Janet Chappell, District Clerk of  
Freestone County, Texas, hereby  
certify that the foregoing is a true and  
correct copy of the original record  
now in my lawful custody and  
possession, filed on  
  
as appears of record  
the \_\_\_\_\_ day of \_\_\_\_\_  
Janet Chappell, District Clerk  
FREESTONE COUNTY, TEXAS  


STATE OF TEXAS  
COUNTY OF FREESTONE  
I, Janet Chappell, District Clerk of  
Freestone County, Texas do hereby  
certify that the foregoing is a true and  
correct copy of the original record  
now in my lawful custody and  
possession.

\_\_\_\_\_ as  
District Clerk of Freestone County, Texas  
do hereby certify that the  
\_\_\_\_\_ is a true and  
correct copy of the original record  
now in my lawful custody and  
possession.



THE STATE OF TEXAS  
COUNTY OF FREESTONE  
I, Linda Jarvis, Clerk of the County Court in and for  
Freestone County, Texas do hereby certify that this  
instrument was FILED FOR RECORD, and RECORDED  
in the Volume and Page of the Official record and at the  
time and date stamped below me.

*Linda Jarvis*  
County Clerk of Freestone County, Texas