

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: March 06, 2018

Time: The sale will begin at 10:00AM or not later than three hours after that time.

Place: THE FRONT STEPS OF THE FREESTONE COUNTY COURTHOUSE (SOUTH ENTRANCE) 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 October 11, 2007 and recorded in Document VOLUME 01424, PAGE 00886, MODIFICATION VOLUME 01449, PAGE 00038 real property records of FREESTONE County, Texas, with BRADLEY SCOTT WELLS AND LINDA K. WILKIE, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by BRADLEY SCOTT WELLS AND LINDA K. WILKIE, securing the payment of the indebtednesses in the original principal amount of \$40,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. BANK OF AMERICA, N.A. 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. BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP
7105 CORPORATE DRIVE
PLANO, TX 75024

ZACH MCCARTHY

LORI GARNER, SHARON ST. PIERRE, ROBERT LAMONT, SHERYL LAMONT, HARRIETT FLETCHER, DAVID SIMS, AURORA CAMPOS, JONATHAN HARRISON, RAMIRO CUEVAS, ALLAN JOHNSTON, RONNIE HUBBARD, BEATRICE CARRILLO, JOHN MCCARTHY, KEVIN MCCARTHY, OR ZACH MCCARTHY

Substitute Trustee

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

FILED FOR RECORD IN
Freestone County
Linda Jarvis
COUNTY CLERK
ON: Feb 12, 2018 AT 12:39P
as Notice of Trustee Sale

Total Fees : 8.00
Receipt Number - 145470
By: Dianne Manning, Deputy



309 COUNTY ROAD 1211
FAIRFIELD, TX 75840

20100031408568
Date of Sale: 03/06/2018

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 FREESTONE County Clerk and caused to be posted at the FREESTONE County courthouse this notice of sale.

Declarants Name: _____
Date: _____

EXHIBIT "A"

FIRST TRACT

IT IS THE INTENT OF THESE FIELD NOTES TO DESCRIBE ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, BEING 5.008 ACRES IN THE HUGH SHEPHERD SURVEY A-34, IN FREESTONE COUNTY, TEXAS AND BEING A PART OF A CALLED 334.48 ACRE TRACT DEEDED FROM B. D. MURFF TO NEAL AND COMPANY, INC. DATED FEBRUARY 2, 1978 AND RECORDED IN VOLUME 497, PAGE 743 OF THE FREESTONE COUNTY DEED RECORDS IN FREESTONE COUNTY, TEXAS AND SAID 5.008 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON PIN FOR CORNER IN THE EAST MARGIN OF A 50 FOOT ROAD AND SAME BEING THE NORTHWEST CORNER OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 15, AND SAME BEING NORTH 31 DEG. 56' 20" EAST 2,129.22 FEET FROM THE SOUTHWEST CORNER OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT;

THENCE NORTH 0 DEG 40' 00" EAST WITH THE EAST MARGIN OF THE SAID ROAD A DISTANCE OF 416.30 FEET TO AN IRON PIN FOR CORNER IN THE SAID LINE AND SAME BEING THE SOUTHWEST CORNER OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 13;

THENCE SOUTH 89 DEG 20' 00" EAST WITH THE SOUTH LINE OF THE SAID TRACT 13, A DISTANCE OF 524.00 FEET TO AN IRON PIN FOR CORNER IN THE WEST LINE OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 20 AND SAME BEING THE SOUTHEAST CORNER OF SAID TRACT 13;

THENCE SOUTH 0 DEG 40' 00" WEST WITH THE WEST LINE OF THE SAID TRACT 20 AND ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 19, A DISTANCE OF 416.30 FEET TO AN IRON PIN FOR CORNER IN THE SAID LINE AND SAME BEING THE NORTHEAST CORNER OF THE SAID TRACT 15;

THENCE NORTH 89 DEG 20' 00" WEST WITH THE NORTH LINE OF THE SAID TRACT 15 A DISTANCE OF 524.00 FEET TO THE PLACE OF BEGINNING.
CONTAINS 5.008 ACRES OF LAND, MORE OR LESS.

SECOND TRACT

IT IS THE INTENT OF THESE FILED NOTES TO DESCRIBE ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 5.008 ACRES IN THE HUGH SHEPHERD SURVEY A-34, IN FREESTONE COUNTY, TEXAS AND BEING A PART OF A CALLED 334.48 ACRE TRACT DEEDED FROM B. D. MURFF TO NEAL AND COMPANY, INC. DATED FEBRUARY 2, 1978 AND RECORDED IN VOLUME 497, PAGE 743 OF THE FREESTONE COUNTY DEED RECORDS IN FREESTONE COUNTY, TEXAS AND SAID 5.008 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON PIN FOR CORNER IN THE EAST MARGIN OF A 50 FOOT ROAD AND SAME BEING THE NORTHWEST CORNER OF A 7.160 ACRE TRACT AND SAME BEING NORTH 38 DEG 53' 11" EAST 1,786.52 FEET FROM THE SOUTHWEST CORNER OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT;

THENCE NORTH 0 DEG 40' 00" EAST WITH THE EAST MARGIN OF THE SAID ROAD A DISTANCE OF 416.30 FEET TO AN IRON PIN FOR CORNER IN THE SAID LINE AND SAME BIENG THE SOUTHWEST CORNER OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 14;

THENCE SOUTH 89 DEG 20' 00" EAST WITH THE SOUTH LINE OF THE SAID TRACT 14 A DISTANCE OF 524.00 FEET TO AN IRON PIN FOR CORNER IN THE WEST LINE OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 19 AND SAME BEING THE SOUTHEAST CORNER OF THE SAID TRACT 14;

THENCE SOUTH 0 DEG 40' 00" WEST WITH THE WEST LINE OF THE SAID TRACT 19 AND ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 18 A DISTANCE OF 416.30 FEET TO AN IRON PIN FOR CORNER IN THE SAID LINE AND SAME BEING THE NORTHEAST CORNER OF THE SAID 7.160 ACRE TRACT;

THENCE NORTH 89 DEG 20' 00" WEST WITH THE NORTH LINE OF THE SAID 7.160 ACRE TRACT A DISTANCE OF 524.00 FEET TO THE PLACE OF BEGINNING.
CONTAINS 5.008 ACRES OF LAND, MORE OR LESS.

EASEMENT

IT IS THE INTENT OF THESE FIELD NOTES TO DESCRIBE ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 2.619 ACRES IN THE HUGH SHEPHERD SURVEY A-34, IN FREESTONE COUNTY, TEXAS AND BEING A PART OF A CALLED 334.48 ACRE TRACT DEEDED FROM B. D. MURFF TO NEAL AND COMPANY, INC. DATED FEBRUARY 2, 1978 AND RECORDED IN VOLUME 497, PAGE 743 OF THE FREESTONE COUNTY DEED RECORDS IN FREESTONE COUNTY, TEXAS AND SAID 2.691 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON PIN FOR CORNER IN THE EAST MARGIN OF A COUNTY ROAD AND IN THE WEST LINE OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT, AS FENCED, AND SAME BEING THE NORTHWEST CORNER OF A 5.062 ACRE TRACT AND SAME BEING NORTH 0 DEG 57' 18" EAST 1,119.81 FEET FROM THE SOUTHWEST CORNER OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT, AS FENCED;

THENCE IN A SOUTHEASTERLY DIRECTION WITH THE NORTH OR NORTHEAST LINE OF THE SAID 5.062 ACRE TRACT AND A 5.001 ACRE TRACT, SOUTH 68 DEG 06' 47" EAST A DISTANCE OF 784.61 FEET AND SOUTH 77 DEG 44' 28" EAST A DISTANCE OF OF THE SAID 5.001 ACRE TRACT AND SAME BEING THE NORTHWEST CORNER OF A 5.007 ACRE TRACT;

THENCE NORTH 8 DEG 58' 11" WEST ACROSS A 50 FOOT ROAD A DISTANCE OF 53.64 FEET TO AN IRON PIN FOR CORNER, SAME BEING THE SOUTHWEST CORNER OF A 7.160 ACRE TRACT;

THENCE IN A NORTHERLY DIRECTION WITH THE WEST LINE OF THE SAID 7.160 ACRE TRACT, AND TWO 5.008 ACRE TRACTS, NORTH 23 DEG 52' 19" EAST A DISTANCE OF 397.75 FEET AND NORTH 0 DEG 40' 00" EAST A DISTANCE OF 947.05 FEET TO AN IRON PIN FOR CORNER, SAME BEING THE NORTHWEST CORNER OF A 5.008 ACRE TRACT DESCRIBED AS TRACT 14 AND SAME BEING THE SOUTHWEST CORNER OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 13;

THENCE NORTH 89 DEG 20' 00" WEST ACROSS A 50 FOOT ROAD A DISTANCE OF 50.00 FEET TO A STAKE FOR CORNER IN THE EAST LINE OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 37;

THENCE IN A SOUTHERLY DIRECTION WITH THE EAST LINE OF THREE 5.008 ACRE TRACTS AND A 5.036 ACRE TRACT, SOUTH 0 DEG 40' 00" WEST A DISTANCE OF 936.79 FEET AND SOUTH 23 DEG 52' 19" WEST A DISTANCE OF 397.76 FEET TO AN IRON PIN FOR CORNER, SAME BEING THE SOUTHWEST CORNER OF THE SAID 5.036 ACRE TRACT;

THENCE IN A NORTHWESTERLY DIRECTION WITH THE SOUTH LINE OF THE SAID 5.036 ACRE TRACT AND A 5.075 ACRE TRACT, NORTH 77 DEG 44' 29" WEST A DISTANCE OF 150.00 FEET AND NORTH 68 DEG. 06' 47" WEST A DISTANCE OF 799.52 FEET TO AN IRON PIN FOR CORNER IN THE EAST MARGIN OF THE SAID COUNTY ROAD AND IN THE WEST LINE OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT, AS FORMED, AND SAME BEING THE SOUTHWEST CORNER OF THE SAID 5.075 ACRE TRACT;

THENCE SOUTH 0 DEG 57' 18" WEST WITH THE EAST MARGIN OF THE SAID COUNTY ROAD AND WITH THE WEST LINE OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT, AS FENCED, A DISTANCE OF 53.53 FEET TO THE PLACE OF BEGINNING.

CONTAINS 2.691 ACRES OF LAND, MORE OR LESS.

6. Defendant, Brooke E. Pennypacker, failed to file an answer or otherwise make an appearance in this matter. The last known address for Defendant, Brooke E. Pennypacker, is 2307 38th Street, Apt. 1B, Astoria, New York 11105.

7. Plaintiff obtained an Interlocutory Default Judgment against Defendants, Connie Lynn Wells Cantrell, Jeffrey David Wells, and Willie-Shawn Gillmore on June 21, 2016.

8. None of the Defendants who were personally served are in active military service.

9. Defendants, the Unknown Heirs at Law of Bradley Scott Wells, Deceased ("Decedent"), were unable to be identified and found, thus no personal service could be achieved. Therefore, the Clerk of this Court issued citation for Defendants, the Unknown Heirs at Law of Bradley Scott Wells, Deceased, by publication.

10. Pursuant to TEX. R. CIV. P. 244, on February 13, 2015, this Court appointed Chad Morgan as Attorney Ad Litem to represent Defendants, the Unknown Heirs at Law of Bradley Scott Wells, Deceased, served citation by publication.

11. The Loan Agreement between Defendants and Plaintiff is in default and Plaintiff is the beneficiary of said Loan Agreement on the subject property made the basis of this lawsuit.

12. Plaintiff is entitled to the relief sought in its Second Amended Original Petition.
THEREFORE, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that all of Decedent's 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 309 County Road 1211, Fairfield, Texas 75840 (the "Property"), and legally described as:

FIRST TRACT:

IT IS THE INTENT OF THESE FIELD NOTES TO DESCRIBE ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, BEING 5.008 ACRES IN THE HUGH SHEPHERD SURVEY A-34, IN FRERSTONE

COUNTY, TEXAS AND BEING A PART OF A CALLED 334.48 ACRE TRACT DEEDED FROM R. D. MURRE TO NEAL AND COMPANY, INC. DATED FEBRUARY 2, 1978 AND RECORDED IN VOLUME 497, PAGE 743 OF THE FREESTONE COUNTY DEED RECORDS IN FREESTONE COUNTY, TEXAS AND SAID 5.008 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON PIN FOR CORNER IN THE EAST MARGIN OF A 50 FOOT ROAD AND SAME BEING THE NORTHWEST CORNER OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 15, AND SAME BEING NORTH 31 DEG. 56' 20" EAST 2,129.22 FEET FROM THE SOUTHWEST CORNER OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT;

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THENCE SOUTH 89 DEG 20' 00" EAST WITH THE SOUTH LINE OF THE SAID TRACT 13, A DISTANCE OF 524.00 FEET TO AN IRON PIN FOR CORNER IN THE WEST LINE OF ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 20 AND SAME BEING THE SOUTHWEST CORNER OF SAID TRACT 13;

THENCE SOUTH 0 DEG 40' 00" WEST WITH THE WEST LINE OF THE SAID TRACT 20 AND ANOTHER 5.008 ACRE TRACT DESCRIBED AS TRACT 19, A DISTANCE OF 416.30 FEET TO AN IRON PIN FOR CORNER IN THE SAID LINE AND SAME BEING THE NORTHEAST CORNER OF THE SAID TRACT 15;

THENCE NORTH 89 DEG 20' 00" WEST WITH THE NORTH LINE OF THE SAID TRACT 15 A DISTANCE OF 524.00 FEET TO THE PLACE OF BEGINNING.

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THENCE IN A SOUTHERLY DIRECTION WITH THE EAST LINE OF THREE 5.008 ACRE TRACTS AND A 5.036 ACRE TRACT, SOUTH 0 DEG 40' 00" WEST A DISTANCE OF 936.79 FEET AND SOUTH 23 DEG 52' 19" WEST A DISTANCE OF 397.76 FEET TO AN IRON PIN FOR CORNER, SAME BEING THE SOUTHWEST CORNER OF THE SAID 5.036 ACRE TRACT;

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SAME BEING THE SOUTHWEST CORNER OF THE SAID 5.075 ACRE TRACT;

THENCE SOUTH 0 DEG 57' 18" WEST WITH THE EAST MARGIN OF THE SAID COUNTY ROAD AND WITH THE WEST LINE OF THE SAID NEAL AND COMPANY, INC. CALLED 334.48 ACRE TRACT, AS ENCLOSED, A DISTANCE OF 53.53 FEET TO THE PLACE OF BEGINNING.

CONTAINS 2.691 ACRES OF LAND, MORE OR LESS.

FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated October 11, 2007, and recorded as Document No. 00708335, Official Public Records, Freestone County, Texas.

FURTHER ORDERED, ADJUDGED AND DECREED 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 subject Loan Agreement and TEX. PROP. CODE § 51.002.

FURTHER, ORDERED, ADJUDGED AND DECREED 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, ADJUDGED AND DECREED that Plaintiff may communicate with the Defendants and all third parties reasonably necessary to conduct the foreclosure sale.

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

FURTHER, ORDERED, ADJUDGED AND DECREED that one of the effects of this non-judicial foreclosure sale shall be that all Defendants be divested of all right, title, interest, and possession in and of the Property; furthermore, no personal liability shall be asserted against any of the Defendants.

FURTHER, ORDERED, ADJUDGED AND DECREED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against any of the Defendants of the putative estate of Decedent.

FURTHER, ORDERED, ADJUDGED AND DECREED that after the non-judicial foreclosure sale ordered above is held, the purchaser of the Property at said non-judicial foreclosure sale is vested and quieted with all right, title, interest, and possession in and of the Property.

FURTHER, ORDERED, ADJUDGED AND DECREED that 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, Plaintiff, its successors or assigns, is entitled to a writ of possession against any occupant in accordance with TEX. R. CIV. P. 310.

FURTHER, ORDERED, ADJUDGED AND DECREED that Plaintiff be allowed such writs and process as may be necessary in the enforcement and collection of this Judgment.

FURTHER, ORDERED, ADJUDGED AND DECREED that as part of the costs of court payable by Plaintiff, Chad Morgan is granted the sum of \$4,940.06 for his services as Attorney Ad Litem and discharged as Attorney Ad Litem in this cause.

FURTHER, ORDERED, ADJUDGED AND DECREED that costs of court be taxed against the Party whom incurred the same.

FURTHER, ORDERED, ADJUDGED AND DECREED that this Court's Interlocutory Default Judgment dated June 21, 2016, against Defendants, Connie Lynn Wells Cantrell, Jeffrey David Wells, and Willie-Shawn Gillmore, is incorporated in this Final Judgment.

This Judgment finally disposes of all Parties and all claims and is appealable.

All relief not expressly granted is DENIED.

SIGNED this 8 December
day of October, 2017.



PRESIDING JUDGE

SUBMITTED BY:

/s/ Heather N. Sutton
Heather N. Sutton
State Bar No. 24072378
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320
(972) 341-0598
(972) 341-0734 (Facsimile)
Email: HeatherS@BDFGroup.com

ATTORNEY FOR PLAINTIFF

AGREED TO BY:


Chad Morgan
State Bar No.: 24046475
109 S. Mount Street
Fairfield, Texas 75840
(903) 389-3244
(888) 316-0565 (Facsimile)
chad@lawofficeofchadmorgan.com

ATTORNEY AD LITEM

DEFAULT AND AGREED JUDGMENT
BDFB NO. 2010031408568/WELLS

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